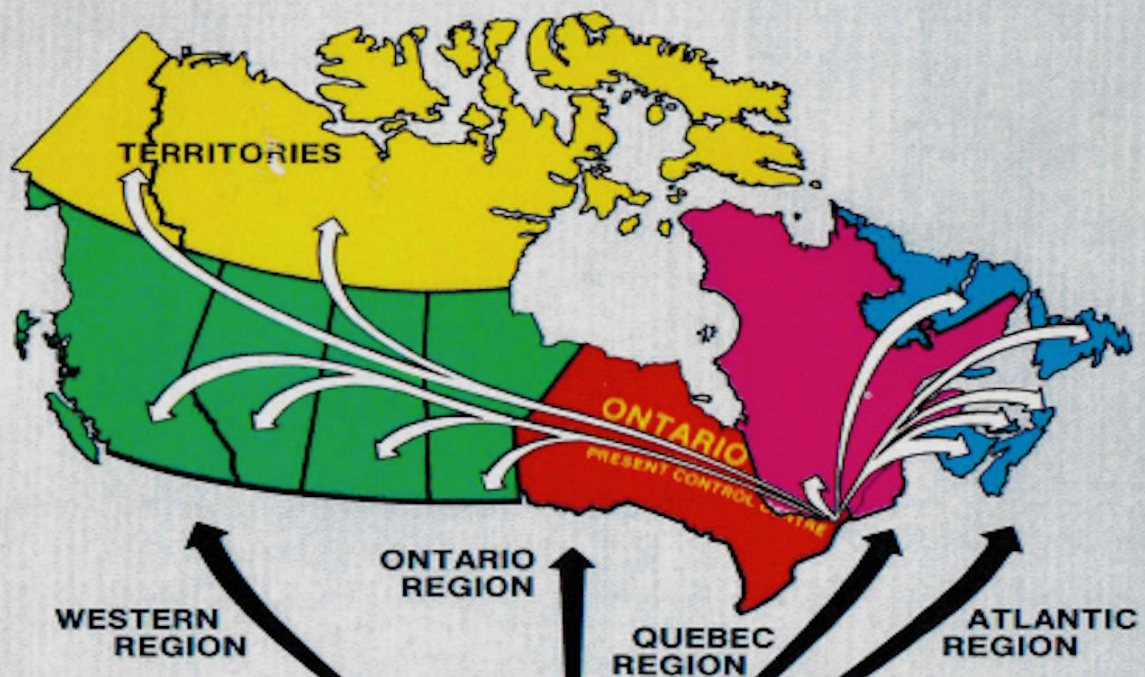


# A CONFEDERATION OR WESTERN INDEPENDENCE?

BY ELMER KNUTSON



**SOLUTION:**

**CONFEDERATION  
OF REGIONS?**

**OR WESTERN  
INDEPENDENCE?**

*Confederation*

*Or*

*Western*

*Independence*

*By*

*Elmer Knutson*



## ACKNOWLEDGEMENTS

I would like to convey, on behalf of the approximately 40,000 West-Fed Members, the tremendous respect and appreciation we have for Mr. Walter Kuhl who spoke in parliament and across this land alerting the Canadian people to the fact that we were a "country without a Constitution". He toiled with this task for over forty years and told the truth.

Also on behalf of myself and the West-Fed Members I would also like to acknowledge the three years of dedicated service of Shirley Bassani and Rene Glauser for their diligent and dedicated service in helping plant the seed of freedom and liberty for the west, in so many hearts and minds of westerners, by their daily help in spreading the word to West-Fed members and their assistance to me in compiling and correlating information for this book. The Seed of Knowledge which they send out in their information packages will like acorns grow and grow and someday I hope become a mighty oak tree for Freedom, Liberty, and Self Determination for future generations. To my daughter Gail, thanks for the printing on the opposite side of this page and help with the thought for the cover.

E. Knutson

Note to reader ...

In honor and respect of the time and effort Elmer Knutson put into writing this book it was reproduced (as written), February 2020. The original copyright was March 1983 as per below. **Reproduced with permission.**



**Elmer Knutson**

**Oct. 30. 1914 – Aug. 9, 2001**

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Published by E. Knutson

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## **DEDICATION**

I would like to dedicate this book to my wife and family for putting up with me during my research and time spent working on the cause for Western Self Determination, and to my grandchildren who I hope will live to see the day when the west becomes the type of country our pioneers tried to establish; the future Me and My Generation has allowed to slip away.

## FORWARD

You may never read another book just like this because I am going to try to tell you the story of how Canada evolved into the desperate situation we are in today, in novel form and also in historical form.

This then will leave you a choice. If you want a quick look at the situation from 1867 to 1982, something you can read in a very few hours, then just read the overview of each chapter where the writer will try to narrate the subject of each chapter in an easy readable form.

For students who would like to be sure the writer has proof for what he has said in the overview of each chapter, then read the facts which follow that overview and make up your own mind.

If, however, you are a real student of history and are only interested in facts, skip the overview and just read the facts and you will for the first time have the truth about this land which the Queen and the British Parliament decided should be called Canada.

Within this book there is:

- (1) a story book, by reading the overview only on chapters with an overview, leaving the facts;
- (2) a story book supported by facts, if you read the complete chapter including facts; or
- (3) just the true facts about Canadian history from official records, skipping the overview on chapters with an overview.

Take your choice.

## INTRODUCTION

The search for truth is one of the strongest impulses of mankind. This may be the reason many students turn to the back of the book and read the last chapter first. The author here has no objection to this procedure, but would point out that "there is no royal road to knowledge". This was the answer given by a professor to a king who desired that his son be quickly promoted.

If you planned to purchase a diamond, you would take a magnifying glass and examine every facet to see if you could discern a flaw before consenting to buy.

Each chapter in this volume is designed to shed some light on each facet of the constitutional position of Canada. In one chapter it is stated that "Canada is merely a geographical expression, not a political entity".

Another chapter exposes the myth of confederation.

If the reader fosters some preconceived notions or assumptions regarding the government of Canada, he would be well advised to put them away - so that they will not bother him while he is engaged in reading. If you neglect to follow this advice, you will lose them entirely and agree with the author when he says: "Never have so many known so little about so much".

Now that you have finished reading the last chapter, you can start again at the beginning. The author will endeavor to keep in step with you so that when we reach the last chapter, you can read it over again.



## CONFEDERATION A MYTH

In my search for truth, I found several handwritten articles, written in very large script by Lord Monck on sheets of paper 11 x14. As that is much larger than the pages of this book I have reduced them in size, which makes them unreadable without a magnifying glass. So I have typed the contents of each page for your convenience.

Lord Monck was the Governor of Quebec, and he also became the first Governor General of Canada. He sat in on all the discussions during the Quebec Conference of 1864, he knew what the drafters of the Quebec resolutions intended and wanted, and as such was intimately acquainted with the thoughts and wishes of the delegation which went to London in December 1866. He reported in the first six pages of his dispatch his personal observations of the "scheme" to his superior the Right Honorable Edward Cardwell M.P. in charge of the Colonial department, the eventual author of the B.N.A. Act.

Confidential  
25NOV64

Government House  
Quebec  
Nov. 7, 1864

Sir;

In another dispatch of this date I have had the honour of transmitting to you the resolutions adopted by the representatives of the different colonies of British North America at their late meeting at Quebec in reference to the proposed *Union of the Provinces*.

I propose in this dispatch to lay before you some

The Right Honourable  
Edward Cardwell M.P.

Page 2

observations of my own on the proposed scheme which I think it would be judicious for the present at least, to treat as confidential. I must in the first place express my regret that the term "Confederation" was ever used in connection with the proposed Union of the British North American Provinces both because I think it an entire misapplication of the term and still more because I think the word is calculated to give *a false notion of the*

Page 3

*sort of union which is desired.* I might almost say which is possible, between the provinces.

A Confederation or Federal Union as I understand it, means a union of Independent Communities bound together for certain defined purposes by a treaty or agreement entered into in their quality of sovereign states, by which they give up to the central or federal authority for

those purposes a certain portion of their sovereign rights retaining all other powers not expressly delegated in as ample a manner as if the Federation had never been formed.

If this be a fair definition

Page 4

of the term Federation and I think it is applicable to all those Federal Unions of which history gives us examples, it is plain that a *Union of this sort could not take place between the provinces of British North America*, because they do not possess the qualities which are essential to the basis of such a union,

They are in no sense sovereign or independent communities.

They possess no constitutional rights except those which are expressly conferred upon them by an Imperial Act of Parliament and the power of making treaties of any sort between themselves is not one of those rights.

Page 5

The only manner in which a Union between them could be effected would be by means of an act of the *Imperial Parliament* which would accurately define the nature of the connection, and the extent of the respective powers of the central and local authorities, should any sort of union short of an absolute Legislative Consolidation be decided on. (Note the BNA Act was just that)

The Sovereignty would still reside in the British Crown and *Imperial Legislature*, and in the event of any collision of authority between central and local bodies there would be the power of appeal to the supreme tribunal from which all the colonial franchises were originally derived and which would possess the right

Page 6

to receive the appeal, the authority to decide, and the power to enforce the decision. (End of Lord Monck's letter)

*See reproductions of "Lord Monck's Letter" on pages 11 to 16.*

1876

Government House

Quebec

November 7 - 1876.

Confidential.

RECEIVED CONFIDENTIALLY  
25 NOV 1876

Sir,

In another despatch  
of this date I have had the  
honour of transmitting to you  
the resolutions adopted by the  
representatives of the different  
Colonies of British North America  
at their late meeting at Quebec  
in reference to the proposed  
Union of those Provinces.

I purpose in this despatch  
to lay before you since

11th Nov 1876

Edward Cardwell Esq.

Secretary of State

~  
Observations of my own on the  
proposed scheme which I  
think it would be judicious,  
for the present at least to treat  
as confidential.

I must in the first  
place express my regret that  
the term "Confederation" was  
ever used in connection with  
the proposed Union of the  
British North American  
Provinces both because I  
think it an entire mis-  
application of the term and  
still more because I think  
the word is calculated to  
give a false notion of the

port of Union which is desired  
I might almost say which is  
possible, between these Provinces.

A Confederation or Federal  
Union as I understand it, means  
a Union of independent communities  
bound together for certain definite  
purposes by a treaty or agreement  
entered into in their quality of  
sovereign States, by which they  
give up to the central or Federal  
authority for those purposes a  
certain portion of their sovereign  
rights retaining all other powers  
not expressly delegated in as  
ample a manner as if the  
Federation had never been  
formed.

If this be a fair definition,

of the term Federation, and I think it is applicable to all those Federal Unions of which history gives us examples, it is plain that a Union of this sort could not take place between the Provinces of British North America, because they do not possess the qualities which are essential to the basis of such a Union.

They are in no sense sovereign or independent communities -

They possess no constitutional rights except those which are expressly conferred upon them by an Imperial Act of Parliament and the power of making treaties of any sort between themselves is not one of those rights.

25

The only manner in which a Union between them could be effected, would be by means of an Act of the Imperial Parliament which would accurately define the nature of the connection, and the extent of the respective powers of the central and local authorities should any sort of Union short of an absolute legislative consolidation be decided on.

The Sovereignty would reside in the British Crown and Imperial legislature, and in the event of any collision of authority between central and local bodies there would be the power of appeal to a supreme tribunal from which all the Colonial franchises were originally derived and which would possess the right

7.

to receive the appeal the  
authority to decide and the  
power to enforce the decision

I dwell particularly on this  
view of the matter because  
although I think I have shown  
that a Federal Union, properly  
so called, is impossible in these  
Provinces under their present  
conditions, yet is the scheme  
which has been agreed upon  
embodies the principles of a  
general Government for the  
general purposes of the United  
Province, and local bodies in the  
management of such affairs  
as may be considered local in  
their character, I think it is  
of importance to show and I  
think the considerations which  
I have placed before you, more,  
that

Pages 11 to 16 are six pages of a dispatch of 32, In a further dispatch 2 years later dated 25 of Sept. 1866 to the Right Honourable The Earl of Carnarvan the successor of Cardwell after the new government was installed Lord Monck wrote - *assuming therefore that this plan will form the ground work of the act* (for the Union of the provinces) he then goes on and repeats his regrets that the word "confederation" was used and his reasons and refers to his earlier letter to Hon. Edward Cardwell as printed above. He had not changed his mind.

Note the reason I emphasize this is because the BNA Act itself refers to the Union of the North American Provinces not the "Federation or Confederation" as we have been led to believe. The intent was also to create a strong central government controlled by (Upper Canada) Ontario, and they certainly accomplished that.

There are some very important documents and words which we should look at because they will be referred to several times throughout the book. One is the words "Eminent Domain". Let us then ask the question, what does "Eminent Domain" really mean and who owns Western Canada in the right of Eminent Domain?

*See reproduction of "Eminent Domain" on page 18.*

The next important page I would like you to peruse is the first page of the B.N.A. Act. As you can see it has the name John MacDonald written at the top. This was John's personal copy used during the discussions at London prior to the passage of the B.N.A. Act.

*See reproduction of "Draft of a Bill" on page 19.*

The importance of this page shows the difference between what the Colonial Department had drafted and what was eventually passed, and what the Canadian delegation wanted.

MacDonald tried to make the draft fit the wishes of the Canadian delegation by stroking out and adding different words; it wouldn't work, so on the right side in his own handwriting he wrote:

"Whereas the provinces of Canada, Nova Scotia, New Brunswick have expressed their desire to form a Federal Union for the purpose of government and legislation based on the principles of the British Constitution and –

*But it was not to be* - The Colonial Department won and Britain united the provinces Upper and Lower Canada, Nova Scotia and New Brunswick under a Corporation Sole, the "Governor General".

Please note also that the B.N.A. Act itself refers to "the union of the North American provinces", not the Federation or Confederation as we have been led to believe. The intent was to create a strong central authority "the Governor General" with a committee of men, half elected and half appointed to advise him. Also note for later that this first page was attached when presented to the "House of Lords", but deleted or as stated "it has not been printed". But let's not get ahead of ourselves.

# EMINENT DOMAIN

## Who owns Western Canada, in the right of Eminent Domain?

Our attention is first drawn to this important right in the History of Herodotus written 450 years before the Christian era. Herodotus tells us that the Kingdoms conquered by the Persians were required to bring to the Courts of Darius every year, a jar of earth and a jar of water. Not because of the intrinsic value of the earth or water, but as a token that you own our earth and you own our water. We are hereafter governed by the unalterable laws of the Medes and Persians.

### INTERESTING HISTORY

The British Empire held its Dominion and Colonies by the exercise of this important right. In the case of Nova Scotia, by the terms of the Charter granted by King James VI of Scotland to Sir William Alexander, Nova Scotia was required to pay three Indian arrowheads per year. British Columbia paid two per cent of the gold and silver mined. The payment for Manitoba, Saskatchewan and Alberta was that of the Hudson's Bay Company, which reads as follows:

"Yielding and Paying Yearly to Us, Our Heirs and Successors for the same, two Elks and two Black Beaver."

These leases expired December 11, 1931. On this date, the Imperial Parliament, by enacting the Statute of Westminster, relinquished not only for itself but for all future Parliaments of the United Kingdom the right of Eminent Domain over each Province separately and individually.

How important is this power may be gathered from the experience of the United States. Each State being independent was reluctant to relinquish any sovereign rights to a Supreme power. They compromised by granting to the Central Government a small State; the District of Columbia. They thereby granted to the Central Government the power to exercise the right of Eminent Domain on behalf of the Nation; retaining each severally the right of Eminent Domain over the lands within the boundaries of their own individual States.

By empowering the Central Government to exercise this right, the United States was enabled to purchase Alaska from Russia, March 30, 1867; to take over the Hawaiian Islands; Cuba, the Philippines, and the Panama Canal. Without this power the Federal Government of the United States would be impotent, could not issue a passport or sign a treaty which would be accepted by the Governments of other sovereign States.

### EMINENT DOMAIN

"The unrestrained ownership of land; independent of all action from without, paramount over all action within."

"The right to exercise the power of Eminent Domain is inherent in Sovereignty, necessary to it, and inseparable from it. From the very nature of society and organized government, this right must belong to the State. It is a part of the Sovereign power of any Nation. It exists independent of Constitution recognition, and it existed prior to Constitutions. It lies dormant in the State, until legislative action is had pointing out the occasion, the modes and the agencies for its exercise."

American and English Encyclopaedia of Law—Page 1049.

*John Macdonald*

Confidential.

Revised, 23 Jan. 1867.

*British North America.*

DRAFT

OF A

BILL

FOR

The Union of the British North American Colonies, and for the Government of the United Colony.

[*Qz. whether to say the Eastern B. N. A. Colonies*]

*Such*  
**WHEREAS** the Union of the British North American Colonies ~~for the purpose of Government and Legislation~~ would be attended with great Benefits to the Colonies and be conducive to the Interests of the United Kingdom :  
Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

*Preliminary.*

1. This Act may be cited as The British North America Act, 1867. *Short Title.* ✓

[*Here would follow:*

1. Any Interpretation Clause that may be necessary. ✓
2. Clause repeating Imperial and Colonial Acts, if necessary.] ✓

{0.20.}

A

Union.

On the left is the preliminary draft by the Colonial Office. This means the Domination of the Colony, or the uniting of the Colonies into One Dominion. This is the basis of the British North America Act.

On the right is the desire of the Provinces to unite into a Federal Union; which means freedom.

Drafted by John A. Macdonald before he received his title. One draft is diametrically opposed to the other.

-22-

This is a copy of a page from, "INSIDE CANADA", a publication by R. Rogers Smith.

## CHAPTER ONE

We had a Governor General from 1867 to 1931 and we have had a person acting as one in Canada since that time. Let us examine the Governor General and his authority as it was constituted by the colonial department of Great Britain. The first Governor, James Murray in 1763 was appointed by the Board of Trade (sessional papers 18) and he was a "Corporation Sole". In other words, a dictator. The "Letters Patent" during that period giving him this authority, were amended and changed slightly from time to time but basically they remained the same. Following is the very last Letters Patent issued by Great Britain and please note now, that it was dated 23 March 1931, 9 months before the Statute of Westminster was passed on December 11, 1931. We will discuss the importance of the Statute of Westminster later. Suffice to say the following Letters Patent "Constituting the Governor General as a Corporation Sole" and a complete dictator was dated March 23, 1931.

The balance of the 115 years since 1867, 61 years, the Governor General was not appointed by Great Britain as we will show later.

*See reproduction of "Letters Patent" on pages 21 to 23.*

If the Governor General was a dictator, the boss, the Corporation Sole, what was the B.N.A. Act? What is the story of Confederation? Is there any Validity to what we have been told or is it a fairy story? Who is the Governor General? What is his authority now?

The above questions are good and valid questions and will be answered later. First look in the block sections below. You will find the answer given by the Dept. of External Affairs on August 13, 1945 to the United Farmers of Saskatchewan. The other answer was given to the Native Sons of Canada as you can see, by the Deputy Minister of Justice July 10, 1940.

*See reproduction of "Governor-General" on page 24.*

**THE GOVERNOR GENERAL OF CANADA**  
**Letters Patent CONSTITUTING the office and instructions.**  
**CANADA**

Letters Patent under the Great Seal of the Realm, **constituting** the Office of Governor-General and Commander-in-Chief of the Dominion of Canada.

Dated 23rd March, 1931.

GEOFFGE THE FIFTH, by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas, KING, Defender of the Faith, Emperor of India;

To all to whom these Presents shall come, Greetings:

**Preamble - Recites Letters Patent of 15th June, 1905.**

WHEAREAS by certain Letters Patent under the Great Seal bearing date at Westminster the Fifteenth day of June, 1905, His late Majesty King Edward the Seventh did **constitute**, order, and declare that there should be a Governor-General in and over Our Dominion of Canada, and that the person filling the said office of Governor-General should be from time to time appointed by Commission under the Royal Sign Manual and Signet:

And whereas it is Our Will and pleasure to revoke the said Letters Patent, and to substitute other provisions in place thereof:

**Revoke Letters Patent of 15th June, 1905.**

Now therefore We do by these presents revoke and determine the said recited Letters Patent, and everything therein contained, but without prejudice to anything lawfully done thereunder:

And we do declare Our Will and pleasure as follows:

**Office of Governor-General and Commander-In-Chief  
CONSTITUTED**

I. We do hereby **constitute**, order, and declare that there shall be a Governor-General and Commander-in-Chief in and over Our Dominion of Canada (hereinafter called Our said Dominion), and appointments to the said office shall be made by Commission under Our Sign Manual and Signet.

II. And We do hereby authorize and empower Our said Governor-General to keep and use the Great Seal of Our said Dominion for sealing all things whatsoever that shall pass the said Great Seal.

**Appointment of Judges, Justices, etc.**

III. And We do further authorize and empower Our said Governor-General to **constitute** and appoint, in Our Name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers of Our said Dominion, as may be lawfully **constituted** or appointed by Us.

**Suspension or removal from office.**

IV. And We do further authorize and empower Our said Governor-General, so far as We lawfully may, upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office within Our said Dominion, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.

**Summoning, proroguing, or dissolving the Dominion Parliament.**

V. And we do further authorize and empower Our said Governor-General to exercise all powers lawfully belonging to Us in respect of the summoning, proroguing, or dissolving the Parliament of Our said Dominion.

**Power to appoint Deputies.**

VI. And whereas by "The British North America Act, 1867," it is amongst other things enacted that it shall be lawful for Us, if We think fit, to authorize the Governor-General of Our Dominion of Canada to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Our said Dominion, and in that capacity to exercise, during the pleasure of Our said Governor-General, such of the powers, authorities, and functions of Our said Governor-General as he may deem it necessary or expedient to assign to such Deputy or Deputies, subject to any limitations or directions from time to time expressed or given by Us; Now we do hereby authorize and empower Our said Governor-General, subject to such limitations and directions as aforesaid, to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Our said Dominion of Canada, and in that capacity to exercise, during his pleasure, such of his powers, functions, and authorities, as he may deem it necessary or expedient to assign to him or them: Provided always, that the appointment of such a Deputy or Deputies shall not affect the exercise of any such power, authority or function by Our said Government-General in person.

**Succession to the Government.**

VII. And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our said Governor-General out of Our said Dominion, all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be vested in such person as may be appointed by Us under Our Sign Manual and Signet to the Lieutenant-Governor in Our said Dominion, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the same; and in case there shall be no person or persons within Our said Dominion so appointed by Us, then in Our Chief Justice for the time being, then, in the Senior Judge for the time being of Our said Supreme Court then residing in Our said Dominion and not being under incapacity.

Provided always, that the said Senior Judge shall act in the administration of the Government only if and when Our said Chief Justice shall not be present within Our said Dominion and capable of administering the Government.

**Proviso - Lieutenant Governor, etc., to take oaths of office before administering the Government.**

Provided further that no such powers or authorities shall vest in such Lieutenant-Governor, or such other person or persons, until he or they shall have taken the Oaths appointed to be taken by the Governor-General of Our said Dominion, and in the manner provided by the instructions accompanying these Our Letters Patent.

**Officers and others to obey and assist the Governor-General.**

VIII. And we do hereby require and command all Our Officers and Ministers, Civil and Military, and all other inhabitants of Our said Dominion, to be obedient, **aiding, and assisting**, unto Our said Governor-General, or, in the event of his death, incapacity, or absence, to such person or persons as may, from time to time, under the provisions of these Our Letters Patent, administer the Government of Our said Dominion.

**Power reserved to His Majesty to Revoke, alter, or mend the Present Letters Patent.**

IX. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

**Publication of Letters Patent.**

X. And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places as Our said Governor-General shall think fit within Our said Dominion of Canada.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster, the twenty-third day of March, in the Twenty-first Year of Our Reign.

By warrant under the King's Sign Manual.

SCHUSTER

Letters Patent **CONSTITUTING**  
the Office of Governor-General and  
Commander-in-Chief of the  
Dominion of Canada.

Note: Sir Claude Schuster, was Clerk of the Crown in Chancery, which is the Dept. Of Lands of Great Britain of which the Colonial Office is a branch.

# GOVERNOR - GENERAL

An inquiry was sent to Hon. Vincent Massey, Canadian High Commissioner in London by Mr. Frank Eliason, Secy. Of the United Farmers of Canada, Saskatchewan, Section, Ltd., on July 3rd, 1945, as to what Department of the Government of the United Kingdom was responsible for this appointment.

Replies were received from both the Canadian High Commissioner and the British High Commission, Earnscliffe, Ottawa - Neither of them knew, and referred the question to the Department of State for External Affairs, Ottawa.

Another organization, the Native Sons of Canada, which started in the West previously sent an inquiry to the Department of Justice, Ottawa --- as to whether or not the Governor-General is viceroy of His Majesty.

The answer received is in the lower block.

The first Governor-General, James Murray, received his authority from the Board of Trade and Plantations. The last, Earl Bessborough, with the same dictatorial power, was accredited by the Crown in Chancery, March 23, 1931. Since the enactment of the Statute of Westminster, December 11, 1931, neither the Government of the United Kingdom nor His Majesty have sent an accredited representative to Canada.

The question could well be asked --- Was it an enemy country which appointed him?

Further information can be obtained by contacting the Headquarters of the Western Canada Federation.

## DEPARTMENT OF STATE FOR EXTERNAL AFFAIRS

File No. 624-30      August 13/45.

**"No Department of the Government of the United Kingdom is concerned in any way with the appointment of the Governor-General of Canada"**

**The Secretary,  
United Farmers of Canada,  
Saskatchewan Section, Ltd.,  
Saskatoon, Sask.**

## DEPARTMENT OF JUSTICE

File No. 5111-40      July 10/40

**"The answer is that His Excellency the Governor-General came to Canada not in the capacity of viceroy of His Majesty, except in the popular sense of the term."**

**(signed) J. Stuart Edwards,  
Deputy Minister of Justice.**

## WHEN DID THE SEED OF WESTERN ALIENATION START TO GROW?

The BNA Act written by the Colonial Department in Great Britain using the results of discussions in Charlottetown and the Quebec Conference of 1864, is the root of the problems in Western Canada, and the Atlantic provinces, That document spelled out the political power structure for the United Colonies, the taxing powers of the central government and the provinces (or colonies) and united them under a Governor General. Ontario had (with its largest delegation and the support of the British Colonial Department), by the Act, established a power base and taxing structure which would forever keep them in control. From the very beginning provincial revenue was dependent on hand outs from Ottawa,

Under Section 91 and 92 of the B.N.A. Act, the provinces were confined to direct taxation within the province. A definition of this vague entitlement was eventually pulled by the courts from the writings of John Stuart Mill, "as a tax demanded from the very persons who it is intended or desired should pay it". Had judicial decisions gone the other way, the provinces would have been limited to such direct taxes as those on personal income and real property, rather than also being able to levy taxes on corporations and eventually retail sales.

The federal government was given much more extensive, indeed basically unlimited powers, even though the central government's only exclusive tax fields were to have been import duties and a national sales tax imposed at the manufacturing level. Under the financial strain of the first World War, the central government moved firmly into personal and corporate income taxes and ever since there has been overlapping in tax fields, as well as in legal rights of occupancy. The central government's entry into what was to be a temporary arrangement was of critical importance to the future of fiscal development and control in Canada. Like the General Secretaryship of the communist party of the Soviet Union, tax fields can usefully be described as "occupative" and encumbrance can carry considerable advantages.

## **OUR WESTERN PHILOSOPHY**

There is absolutely no hope of ever reversing or even stopping the advance to socialism and central government power and control without major changes in the political power structure in Canada. The necessary changes cannot be realized in the present alignment, Our western M.P.s, even if all agreed, cannot give the Western Provinces a meaningful voice in changing the structure and now with the latest seat distribution we have less power. Ontario and Quebec get 14 more seats; the West gets 4 more.

If they, our western M.P.s, cannot effect change, then it is the responsibility of Provincial Governments, it is they who must do it, and individually they can accomplish nothing.

This applies if either the Liberal, Conservative or N.D.P. parties are elected and in power in Ottawa. Ontario, its population, its large number of M.P.s, will always control politics in Canada as long as they can buy and satisfy the Cultural Linguistic and economic aspirations of Quebec.

Let us examine true History - and see how this happened.

## **CHAPTER TWO**

### **THE FAIRY STORY - OVER VIEW**

There is not now, nor has there ever been, a Confederation of the Provinces of Canada.

The Right Honourable Sir John A. MacDonald confirms this in a letter to the Governor General, He said (a title can only be granted for service performed for the Imperial Government). He received his title, and was appointed to the Privy Council, and thus made a member of the British Government for the role he was to play in the settlement reached between Great Britain and the U.S. after the civil war in the United States. He was commissioned as a delegate to help arrange the Washington Treaty of 1871 which prevented the U.S. from annexing Canada and stopping the Fenian Raids which started in June of 1866 after the U.S. Civil War. Also look at appendix 1, 2, 3 in the back of this book. There you will see some other interesting letters to confirm this chapter. Note carefully the dates. They are written after 1867.

The above is an overview, the facts follow.

### **THE FAIRY STORY - FACTS**

There is not now nor has there ever been a Confederation of the Provinces of Canada.

The Rt. Hon. Sir John A. Macdonald confirms this in a letter he wrote to the Governor-General. This is a reply to his query as to whether or not John had a list of those who should receive honors on Her Majesty's birthday.

He wrote: "Honors should be granted only for a service performed for the Imperial Government . . . ," Considerable feeling was aroused in Lower Canada among the French Canadians at what they looked upon as a slight to the representative man of their race, and a motion on the subject was made in Parliament. Lord Monck refused to give any information on this question as being one of Imperial concern only; but in order to allay this feeling obtained permission from Her Majesty's government to offer Mr. Cartier a baronetcy if I did not object to it, I at once stated I should only be too pleased to see my colleague receive this honor. Mr. Galt was made a K.C.M.G. All these honors were conferred upon myself and the other gentlemen on account of the prominent part we had taken in carrying out the Imperial Policy."(Dominion Archives)

Why did John sell out? One of the reasons was to prevent the United States from annexing Canada. It is a matter of common knowledge that Great Britain assisted the Southern States during the Civil War and was prevented from a declaration of war on the United States only by the prompt action of the Czar of Russia,

It will be remembered that Russia had defeated the combined forces of Britain, France, Sardinia and Turkey in the Crimean War – 1854 --- 1856. Great Britain now threatened to declare war upon the United States unless an apology was forthcoming within 24 hours, for the action which Captain Tom Wilkes had taken in the Trent Affair.

The Czar immediately dispatched his Baltic squadron under the command of Admiral Livofsky to New York City and his Pacific squadron under Admiral Popov from Vladivostok to San Francisco.

The Czar, who had freed the serfs of Russia in 1861, was in sympathy with Lincoln and not only this but he was protecting Russia's interest in Alaska. It was upon advice from the Russian Ambassador that Lincoln issued his "Emancipation Proclamation" in 1863. The seven million two hundred thousand dollars paid to Russia by Seward for the purchase of Russia's interest in Alaska on March 30, 1867, was not because Seward thought Alaska was worth anything, but to repay the Czar for the expenses incurred by the fleets which he had sent and maintained in New York and San Francisco until victory was obtained by Federal forces ending the Civil War in 1865.

When Federal troops were mustered out and paid by "Greenbacks," they were permitted to keep their firearms and knapsacks.

They were then enrolled in a force of 180,000 set to invade Canada. Ten thousand were encamped in Buffalo, New York, and 1,500 under Col. John O'Neil invaded Ontario. Representative Banks introduced a "Bill" in Washington to annex Canada.

The War Office in London sent Col. Jarvis to Canada to investigate. He reported: "You have only 10,000 troops there, veterans of the Crimean War and scions of the British nobility and you cannot count on more than 20,000 volunteers. You would be facing a force of 300,000 at the frontier. You cannot hope to defend Canada, nor can Canada be expected to defend herself."

Great Britain now agreed to negotiate. Previously the Imperial Government had refused to consider the demands made by the United States that Britain was responsible for 226 ships sunk by privateers, which had been built in Britain for the Southern States by Laird and Son in Birkenhead. The United States claimed these ships were British from keel to masthead, armed by British guns, manned by British crews and the pay office was in Liverpool. Further Britain had forts at Nassau to supply Confederates with small arms and ammunition as well as mines for their harbors.

Britain's only defence was that she had not declared war. The United States replied, "This is a game two can play at."

This was the situation when our delegates from Canada with the Quebec Resolutions were convened in the Westminster Palace Hotel in London, '1866. They sat until the Christmas holidays and were elaborately wined and dined by members of the British government.

Col. Montague Bernard, Member of Her Majesty's Imperial Privy Council, introduced John A. Macdonald to his sister, the Hon. Susan Agnes. John A. Macdonald was 54 and a widower. Of course the Hon. Susan Agnes fell in love with John and they were married Feb. 16 1867. It was explained to the groom that Britain was not adverse to a Federation of the Provinces of Canada (*but this could not be accomplished until a settlement had been made with the government of the United States*).

If John would consent to become a member of the Commission to be sent to Washington he would first be appointed and sworn as a member of Her Majesty's Imperial Privy Council. (The minimum salary of a member is 2,000 pounds per annum.)

Further if the commission were successful he would undoubtedly be granted a title of Sir.

John knew a "Bill" was pending in Washington and if Canada were annexed he would be only a very little frog in-a very large puddle. John A. Macdonald and his brother-in-law, the Rt. Hon. Col. Montague Bernard, were accredited and created Ministers Plenipotentiary, and when the Commission was convened in the Arlington Hotel in Washington, it was agreed that Emperor William of Germany be appointed arbitrator.

The agreement consummated is embodied in the Treaty of Washington, May 8, 1871.

This stipulates that Great Britain shall grant the government of the United States an apology; pay a direct indemnity of \$37,500,000; pay for the shipping sunk as would be decided by an Admiralty Court in New York City; grant to the United States equal rights in perpetuity of the navigation of the St. Lawrence River through Quebec; the disputed boundaries - Lake of the Woods and Point Roberts, B.C., to be granted to the United States. If we had confederated and become a nation four years earlier, how could Britain agree to this?

The question of ownership of the San Juan Islands to be left to the arbitrator, Emperor William of Germany decided Oct. 25, 1872, that the San Juan Islands should belong to the United States and \$15,000,000 more to pay the expenses incurred by Federal cruisers in chasing the privateers.

**Viscount Bury said of the apology:**

"A national expression of regret is an act of the gravest importance. If England had been clearly in the wrong an expression of regret would be consistent with her dignity, but it has hitherto not been usual for nations of the highest rank to apologize for acts which they never committed. The same Englishmen who offered the apology framed the British case. The case is an elaborate statement that Britain is in the right. It is hard to escape from this dilemma. Either the apology was unnecessary or the English case is a tissue of mis-statements."

Delegates from Canada had no part America Act, March 29, 1867, and no in drafting the British North certified copy of this act was brought to Canada.

The Act was drafted by Lord Thring, Parliamentary Secretary to the Treasury.

It is not a Constitution for it constitutes nothing. It simply emphasizes the power of the Governor-General to appoint and remove a privy council to "aid and advise" him and to state that the Governor-General has the power to pass an "order-in-council" by himself individually as the case requires. (An "order-in-council" is equal to an Act of parliament.)

One score and two years later the Interpretations 1889 Act was passed, stating that Canada is a Colony, This gives the lie to the story of Confederation and brands it as a *reductio ad absurdum*. Another absurdity is that a House and Senate of British subjects are debating the adoption of a National Flag for the Canadian people. Give Canadians the right to vote and it would not be long before they would adopt a National Flag and Anthem.

You say you have never heard anything of this before? You are not alone in this.

*Since 1931, Canadian citizens are not subject to laws enacted by the British Government and are not recognized by Great Britain as British Subjects.*

To sum up: Canada lost everything gained politically in the previous 100 years and reverted back to the Constitution granted in 1763 to Governor James Murray by the Board of Trade (Sessional Papers 18). Lord Monck came back to Canada as a Corporation Sole" and his first act upon opening Parliament was to announce that John A. Macdonald had been granted a title of "Sir."

John did very well for himself; he obtained a titled Lady as a bride, an annual stipend as a member of the Imperial Privy Council, and was now the Right Honourable Sir John A. Macdonald, But at what a cost to Canada!

In 1906, 98 percent of the druggists of New York State were graduates of Canadian Universities, and over three million Canadians had emigrated to the United States (U.S.A. Immigration)

It is estimated that it costs the parents and the state \$15,000 to feed, clothe, and put a son through high school and four years in a university.

In case your computer is not working, I may as well state this amounts to 45 billion dollars.

\* \* \* \* \*

*Editor's Note:* Mr. R. Roger Smith was born Feb. 16, 1884 at Fort Qu'Appelle in the district of Assiniboia in the North West Territories. Twenty one years later, the provinces of Saskatchewan and Alberta were carved from what was then these territories. Mr. R. Roger Smith became a mechanical engineer and as a hobby, a student of international and constitutional law. The next chapter is his personal story of his search for the B.N.A. Act 1867.

## **CHAPTER THREE - OVER VIEW**

Mr. R. Roger Smith early in 1935 decided that if there was a confederation in fact, then at least the colonies or provinces or someone must have an original of the B.N.A. Act somewhere. He began his search in Vancouver, with a Chief Justice Morrison of the Supreme Court of British Columbia, his search led him from there to Ottawa to Edmonton, (where he sent a cable to the Secretary of State for the Colonies protesting the credentials issued to Lord Tweedsmuir). From Edmonton he went to the Reference Library in the Archives in Ottawa, to the Privy Council Chief Clerk, (he saw there copies of the documents used by the delegates similar to the one with John Macdonald's name on top and that none were signed at the bottom, he saw (Sessional Papers 18) the first Constitution printed by Yorke and Yorke of the Board of Trade 1763). He then went to the Governor General, to the Parliamentary Library, the Secretary of State, to Dr. Beauchesne Clerk of the House to the vault under the Senate Chamber, assured himself the B.N.A. Act had never been presented to the Senate, went back to Dr. Beauchesne, searched the records of the House of Commons and found out the B.N.A. Act had never been presented before parliament, Finally both Dr. Beauchesne and Mr. Smith agreed that no copy of this act was ever brought to Canada and none of the united provinces had an original or a copy with signatures.

Records show it was a private Bill, it was debated in the House of Lords first page and all, but it was also described as an Artificial Union, the first page was deleted before presentation to the House of Commons therefore the words by Mr. Hadfield, "It has not been printed.

Now for the facts.

## **CHAPTER THREE - FACTS**

### **SEARCH FOR THE BRITISH NORTH AMERICA ACT OF 1867**

Mr. R. Roger Smith writes,

"Early in 1935, after lengthy talks about the constitutional position of the provinces to the Dominion Government with Chief Justice Morrison of the Supreme Court of British Columbia, I asked, "Has British Columbia a copy of the British North America Act?"

"No," he informed me, "You know that British Columbia was united to the original provinces by an Order in Council. This Order in Council was signed in London by Prince Arthur on May 10, 1871, four years after the British North America Act was enacted, so we have no copy."

"Of course the original provinces, namely, Nova Scotia, New Brunswick, Quebec and Ontario, would have copies of the original, but may I suggest that you could see the original, or a duplicate of the original, in Ottawa."

Thanking the Chief Justice, I mentioned that I planned to be in Ottawa in the fall and would visit the Archives.

Leaving Vancouver, I stopped over in Edmonton and addressed Premier Aberhart and his newly elected cabinet in the Macdonald Hotel on the constitutional position of Alberta. While there, on October 25, 1935, I cabled the Secretary of State for the Colonies in London, protesting that any credentials be issued to Lord Tweedsmuir who was expected to leave for Canada.

He received none, No doubt my cable is on record in the books of the cable company.

Arriving in Ottawa the first week in November, I visited the Archives and was directed to the Reference Library.

When I asked Colonel Hamilton, who was in charge, for a certified or duplicate copy of the British North America Act, he informed me that as the Act was still in force, the archives would not have the document until the Government was finished with it.

"You had better contact the Privy Council," he said. "Do you know Mr. Lemaire, the Chief Clerk?"

"NO," I replied, "I am here from Vancouver and I have not had an opportunity,"

"Very well. If you wish, I shall make an appointment for you, as I know Mr. Lemaire. In the meantime, we have the original papers here that were written by the delegates who presented the Quebec Resolutions when they were in London."

I spent some two weeks in the Archives where a chair and table were provided, and as I finished with each document it was returned and another placed before me.

The name of each delegate was across the top of each copy which was a revision of the Quebec Resolutions, but none were signed at the bottom; further, no confederation agreement was drafted or signed by them,

I was most interested in sessional Papers 18 which contained the first Constitution of Canada, drafted by Yorke and Yorke of the Board of Trade (1763)<sup>1</sup>.

Among these many papers are letters written by John A. Macdonald. Also, Sessional Papers 18 state that the Constitution of Canada was amended September 20, 1765, to permit Roman Catholics to vote and to hold office as proctors, prothonotaries, judges, and so forth. (This was forty years before Catholics were permitted to vote in Great Britain - 1805.)

One day Colonel Hamilton came to my table and said, "I have arranged an appointment for you with Mr. Lemaire for to-morrow." He said further, "Do you know, you are the first Canadian to go through these, papers in the many years I have been in charge here?"

I was received most graciously by Mr. Lemaire, who was very interested when I explained that there apparently was a typographical error in the copy I had, which had been printed by the printer in Ottawa, and I desired to compare my copy with the original or a proven duplicate.

*1. Excerpts from this Constitution appear here on pages 129 to 134.*

Mr. Lemaire said, "As the Privy council does not have a copy of the original, I think the best place would be the Office of the Governor- General, Wait a moment and I will have my secretary escort and introduce you to the Governor-General's secretary."

When Mr. Lemaire's secretary introduced me to Mr. Periera, the Governor-General's secretary, he smiled patronizingly and, reaching over his desk, picked up a sheet of the Governor-General's letterhead. He wrote a note for me and said, "Just give this note to Mr. Hardy, the Parliamentary Librarian."

Mr. Hardy laughed and said, "This is too important a document for us to have in the Library. I think your best plan would be to see Mr. Coleman, Secretary of State,"

"Where would I find him?"

"He has an office in the West Block."

Mr. Coleman was in when I called on him and, in answer to my question, said, "We have no copy that I know of. We have the Great Seal if you would care to see it."

Thanking him, I mentioned that I had seen reproductions of the Great Seal so I was not particularly interested, but if there were a Confederation in Canada, each province which was a party to the agreement should have a certified copy and I had been informed that I would find a copy in Ottawa.

"You should see Dr. Beaudesne, Clerk of the House of Commons, who is an authority on the British North America Act, and if he does not have a certified copy, he will tell you where to find it," Mr. Coleman advised me.

Dr. Beaudesne, venerable Chief Clerk of the House of Parliament in Ottawa and author of *Beaudesne's Parliamentary Rules and Forms*, said, after I had been introduced, "What did they send you to me for? They know that I keep no valuable documents here, and this most valuable document would be kept closely guarded somewhere in a vault. There is such a vault under the Senate Chamber, but you would have to see Dr. Blount, Clerk of the Senate."

Thanking him, I traversed the lofty corridors of the House of Parliament, on the walls of which are hung the paintings of former premiers of Canada, to the office of Dr. Blount, who, after introduction to me, said:

"You know, you have me very much interested. Do you mean to say that you have been to all these places and you have not found any certified copy of the Act? Well! We have a vault under the Senate, but I do not know of any copy there. If you would care to look, you are welcome."

When I expressed my pleasure at having him extend this courtesy, he said, "I will call an assistant."

Dr. Blount, the assistant and I descended to a high ceilinged vault about twenty by forty feet which had shelves about ten feet up from the floor along the south and east sides.

Certified copies, which must be stamped with the seal of the Senate, as well as certified copies of orders in council, are in hardwood cases on the shelves, each case marked with the year's date.

The assistant handed down two cases as he stood on a step-ladder – 1867 and 1868 -- which Dr. Blount turned over to me for my inspection.

Not finding a copy of the British North America Act, I asked if it had been destroyed in the fire.

"No," Dr. Blount assured me. "The parliament buildings were destroyed but we saved the Library and this vault. All that the Government lost were some paintings in the corridors. Some members lost personal files in their rooms. You will be interested in seeing this, no doubt," and he produced a polished hardwood case and showed me the gallon measure in bronze and the platinum ounce and pound, In another case were the inch, foot and yard standards. He explained that the Bureau of weights and Measures, by law, must check their sets with these every two years.

"Was this British North America Act ever presented to the Senate?" I asked.

"We can check the records in my office," Dr. Blount replied. After consulting his book of records, he assured me it had not been presented to the Senate.

"Was it ever presented to Parliament?" was my next question.

"You will have to ask Dr. Beauchesne," he said.

Retracing my steps to the office of Dr. Beauchesne, I related to him my failure to find any certified copy and that Dr. Blount could find no record of it in his office. Would it have been placed before parliament?

Dr. Beauchesne called for the Records of the House of Commons, and after looking over the records, he told me that it had never been placed before Parliament,

"Well, Doctor, if a copy of this Act had ever been brought to Canada, it would be here, would it not?" I asked.

"Yes, of course," the Doctor replied.

"Then, Doctor, I think we can say that no copy of this Act was ever brought to Canada, is that correct?"

"I am very much afraid that you are correct," was his answer.

Dr. Kenny, Dominion Architect, met me on Sparks Street a few weeks later and said, "So many people have been asking me, writing me, and phoning me to know if there is a copy of the British North America Act in Canada that I think I should write London for a Photostat."

"An excellent idea," I said.

Hearing that a photostat was being sought, a friend of mine in London had one made for me, as he knew I would be interested. On receipt of this, however, I was disappointed, for it stated that this was a photostat of a *copy*.

Why Dominion officials should put any value upon this, I do not know. My copy is a duplicate of the one which they have and I cannot conceive of any intelligent person being satisfied with a *photostat of a copy*. It would not be more difficult for the photographer to make a copy of the original, would it?

*It means that after a hundred years we cannot get a photostat even of a document which is supposed to have created a Confederation of the Provinces.*

Lord Thring, who drafted the British North America Act, tells us in his book *Parliamentary Rules and Forms* that it is mandatory that any Act be printed before it is introduced to the House of Commons.

Mr. Hadfield, who was a back-bencher in the House of Commons in 1867 and was not in on "the scheme of the Secretary of the Colonies", asked the following question:

"Why all the haste in enacting this measure? I am not sure I will have anything against it, but it affects four million people and we should have an opportunity to study the measure, which is now in second reading and *"it has not been printed."*"<sup>2</sup>

Britain's national economy was sustained by her possessions or colonies. These were her sources for raw materials, which could be imported at a price which Britain could set. In return, the colonies became the main market for her exports which, because of tariffs imposed by Britain, could be marketed at a non-competitive price.

The Conservative and Liberal Parties had differences which were fought over and they vied with each other for office. But when the national economy was threatened they could bury the hatchet and unite to fend off any threat to the economy, which was of paramount interest to both, and to the national welfare of Britain. This is exemplified in the following passages.

The Earl of Carnarvon, Secretary of the Colonies, presented the Bill to the House of Lords with these words: "The Bill opens by reciting the desire of the several provinces to be Federally United."

Lord Campbell, leader of the opposition, said in reply on February 9, 1867: "The Bill is founded, I believe, on what is termed the Quebec Scheme of 1864 ... Our lights may be imperfect upon this part of the subject and I will not dwell upon it ... but one thing is clear, the preamble of the Resolution comes before us in clear and perfect authenticity, it cites the expediency of federating the Provinces of British North America."

That Lord Campbell knew and was in accord with the Earl of Carnarvon in fending off this threat to the economy of Britain is clearly implied in his remarks at the second reading of the Bill on February 26. He said, *"It would scarcely be possible to break 'the artificial unity' we now propose to organize."*<sup>3</sup>

Let me not omit to explain the difference between a "private bill" and a "public bill" as ruled by the Parliament of Great Britain.

A private bill is one which affects only a private citizen or a part of the British Empire, but does not affect any other part. As an instance, the Island of Malta requested an alteration of her Constitution in 1936. Now, as this did not affect any other part of the Empire, it was a private bill.

*Private bills are first introduced into the House of Lords and, after passing, are referred to the House of Commons, where they may be amended; but the purposes of the bill are not discussed or debated. Public bills are first introduced into the House of Commons and then to the House of Lords to be acted upon in the same way a private bills going from the House of Lords to the Commons.*

2. *Parliamentary Debates*, Vol, 185, p. 101 6

3. *Ibid.*, p. 1016

As the British North American Act did not affect any part of the Empire except Canada, it was a private bill.

All legislation going before either House is called a bill before it is enacted into law.

*This may not appear to be important, but it is. The bill in question was not amended in the House of Commons, but was enacted as the British North America Act on March 29, 1867.*

*It was printed when introduced in the House of Lords. Why did Mr. Hadfield say, when the bill was in second reading in the House of Commons, that "it has not been printed"? For the good reason that one page of the bill, which states the *raison d'être* of the Act, was deleted before going to the Commons.*

*The reason for and the purpose of any enactment is of the greatest importance. Hallsbury states: "An Act must be read and construed as a whole, though one subsequent section should bear a wider and another a more limited meaning."*

The deleted page states: "By reason of the request of the Colonies for Federal Government, it is expedient therefore that they have laws and regulations to guide them."

If this page had not been deleted, the provinces of Canada would ere this have formed a Confederation, *or, as the Act states, a Federal Union.*

As the Act had been debated and passed by the House of Lords, it was but a routine matter for the Commons to place the seal of approval upon it. There was, therefore, no need for more than a quorum to be present to grant the Commons' assent, and very few members were present, it was just routine.

The next Act upon order paper was the "Tax on Dogs". The House was crowded.

## **CHAPTER FOUR**

### **THE BIRTH OF GREAT BRITAIN - OVER VIEW**

In the over view of this chapter I believe it is important that we take a look at the reign of Queen Elizabeth who thought she was Sovereign of England. She granted a charter to Sir Humphrey Gilbert in 1583 to colonize Newfoundland which was the first colony of England. Prior to Queen Elizabeth's reign, Henry the VIII and others before him were vassals of the Pope. When Henry VIII broke with the Pope he became the first absolute Sovereign of England. Queen Elizabeth inherited his Sovereign Power.

The Privy Council had other ideas and they agreed that she was a Monarch not a Sovereign and she signed papers to that effect.

The Crown in Chancery was created and put in charge of all the waste land and commons of England.

(In 1947 W.L. McKenzie King copied the Letters Patent issued to the first Governor James Murray and appointed the new Governor General using the same words as the Letters Patent granted to Murray in 1763.)

The Treaty of Union between England and Scotland was signed on January 14, 1707 which was the actual Birth of Great Britain. Now let's review the facts.

## **CHAPTER FOUR**

### **THE BIRTH OF GREAT BHITAIN - FACTS**

Newfoundland, the last to join the Dominion of Canada as a province, was the first colony of England. Queen Elizabeth, Sovereign of England, granted a charter to Sir Humphrey Gilbert in 1583 to colonize the colony.

He was accompanied on many of his voyages by his younger half-brother, Walter Raleigh.

Years later when Sir Walter Raleigh wrote his history of the world when incarcerated in the Tower of London, he included charts of Newfoundland and Nova Scotia drafted by Sir Humphrey Gilbert which compare favorably with the maps and charts of our modern atlases. His career ended when his little vessel, the Squirrel, only half-decked over, was overwhelmed and foundered in a storm off the Azores.

Prior to the reign of Henry VIII the rulers of England were vassals of the Pope, When Henry VIII broke with papal authority he became the first absolute sovereign of England.

Queen Elizabeth inherited this sovereign power from her father. She owned all of England and all that England owned, and could of her own volition grant the Charter to Sir Humphrey.

However, when this Charter was brought to the attention of Her Majesty's Privy Council, they said: But the Queen herself does not own everything by right. England and her possessions belong to the Queen and her people. Consequently they forthwith drafted thirty-nine articles which Her Majesty was induced to sign.

## Article 1 reads:

"No gift or grant shall be made to any person without the consent of Parliament."

*This article transcends anything to be found in the Magna Carta. It demotes the sovereign of England to the position of monarch. Ever afterward the government of England has been known as a "limited monarchy." The ruler is no longer a sovereign.*

In the Encyclopedia of American and British Law, James Cacroft has the following to say concerning sovereignty:

The right to exercise the power of Eminent Domain is inherent in Sovereignty, necessary to it and inseparable from it. From the very nature of society and of organized government, this right must belong to the State. It is a part of the Sovereign power of any nation. It exists independent of constitutional recognition, and it existed prior to constitutions. It lies dormant in the State until legislative action is had pointing out the occasion, and modes and the agencies for its exercise.<sup>1</sup>

*An important point to remember is that sovereignty can be exercised only by those who own the land.*

In the records of Queen Elizabeth it is stated that:

"Members of her Majesty's Most Learned and Honourable Privy Council (divers orders thereunto called) conceived and Established the Crown in Chancery to Administer Affairs in connection with and exercise authority over the waste lands and commons of England,"

This Crown in Chancery, the first department of lands the world has known, was housed at Whitehall where it is today. The Lord High Chancellor is the custodian of the sovereignty of England; all lands are under him and his jurisdiction, and their retention as assets of the nation is his responsibility.

The Lords of Trade and Plantations was organized by the merchants of London, and to this organization the Lord High Chancellor granted the power to exercise authority over and administer affairs in connection with the plantations and colonies in the New World.

In order to assist them, Parliament enacted the Navigation Acts:

"Anything and everything exported to the colonies must be by an English ship, manned by an English crew." This is the gist of the many Navigation Acts enacted by Parliament.

This administration became so obnoxious to the colonists that it became a matter of principle as well as profit for them to circumvent the rules of the Lords of Trade and Plantations insofar as they were able. This period is known as the old smuggling days.

It will be interesting to some to know that the Charter to colonize Virginia was granted by Parliament before it was submitted to Queen Elizabeth for her signature.

One clause of this Charter gives us an insight into the character of Sir Walter: ". . . the colonists were to have all the privileges of Englishmen and be governed by laws of their own making ..."

1. Under the article Eminent Domain.

It may also be of interest to know that the rule by the Board of Trade and Plantations lasted for two hundred years, from 1583 when the first Charter was granted to Sir Humphrey Gilbert until a Treaty was signed by Great Britain which recognized that the colonies of New England were independent, September 1783. The loss of the colonies was a bitter pill, and the prestige of the Ministry was at a low ebb when in 1782 Burke introduced a Bill in scathing language to abolish completely and utterly the Lords of Trade and Plantations, In their destruction they provided a perfect scape-goat for the party in power.

Their functions were transferred to the Colonial Office with a Secretary for the Colonies holding a cabinet position. In Canada, the battle on the Plains of Abraham was fought in 1759, General Wolfe fell on the field and was succeeded by General James Murray, next in command of the British forces; and when Montreal capitulated in 1763, General Murray was appointed Governor of New France by the Board of Trade, His papers, signed Yorke and Yorke Attorneys for the Board of Trade, constituted him an absolute dictator.<sup>2</sup>

As the title to all British lands is in the custody of the Crown in Chancery, all government or public lands are referred to as "Crown lands," After the Lords of Trade and Plantations were abolished, the Colonial Office administered the affairs of the colony. The colonial officials were so enamoured of the terms of the authority granted to General Murray by Yorke and Yorke that they copied them for all governors thereafter.

*The papers granting absolute power drafted in 1763 to the Governor-General of Canada and signed W. L. Mackenzie King are, mutatis mutandis, those issued to General James Murray in 1763. There has been no alteration in the government of Canada since the capitulation of Montreal in 1763, with the exception that since Canada is no longer under the Colonial Office (by reason of the enactment of the Statute of Westminster, December 11, 1931), the Colonial Office has not accredited a governor to Canada.*

Returning now to 1600, Queen Elizabeth's reign was followed by that of James I, the son of Mary, Queen of Scots, who was the daughter of James V of Scotland and cousin of Queen Elizabeth. In 1603 when he was crowned Monarch of England, he was and continued as Sovereign of Scotland.

His accession to the throne of England did not unite the governments. The governments of England and Scotland were united a hundred years later (1707) in the reign of Queen Anne.

King James retained his right as King James VI, Sovereign of Scotland, where he was the exclusive owner, ruler and law of Scotland, since Scotland was a feudal state.

In England, however, James I was required to submit to the advice and consent of the English Privy Council and Parliament.

The Charter to Sir Humphrey Gilbert to colonize Newfoundland which led to the signing of the famous Thirty-nine Articles by Queen Elizabeth rang the death-knell of the feudal system and fostered a period of prosperity never heretofore known in England.

It spawned the era of exploration, and fostered the arts, science and letters.

This period is adorned by the names of England's greatest men. Among those most noted are Shakespeare, Sir Francis Drake, Frobisher and Sir Walter Raleigh. Returning from his last trip to Newfoundland, Sir Humphrey Gilbert was lost when his vessel, the *Squirrel*, foundered in a violent storm off the Azores. Walter Raleigh succeeded in saving his ship and another vessel. When he reported the disaster to Queen Elizabeth, she granted him the inheritance of his brother's patents and knighted him.

Nearing the end of his reign, King James VI as Sovereign of Scotland, acting on his own volition, granted a Charter to Sir William Alexander to colonize Nova Scotia in 1621.

The boundaries of the territory granted extended from the mouth of the Penobscot River north to the St. Lawrence, and comprised what is now Gaspé, New Brunswick and Prince Edward Island and our present Nova Scotia (New Scotland).

King James is reported to have said: "Well! England has New England and France has New France, and I see no reason why Scotland should not have New Scotland."

Let me not omit to explain at this point that subjects of one sovereign were not permitted to emigrate to a country of another ruler. In 1684 a proclamation of the King of France was posted in the City of Quebec that the punishment would be death for any French Canadian who emigrated to the colony of New York.

\* \* \* \* \*

In the history of Nations, oftentimes the moving of a lowly pawn on the chessboard of fate brings about an entirely unforeseen result.

The colonizing of Newfoundland brought an end to the feudal system of England, and lost a Scottish colony coupled with the loss of the ship, the *Speedy Return* (her ribs were later found on the shores of Madagascar) were the main events which brought about the signing of a Treaty of Union creating the greatest Empire the world had ever known.

The Treaty of Union was signed by the representatives of England and Scotland in the reign of Queen Anne, on January 14, 1707.

## **CHAPTER FIVE - OVER VIEW**

### **THE CONSTITUTION OF THE GOVERNMENT OF ENGLAND**

Cromwell was the commander in Chief of the army and was appointed Lord Protector of England. He was busy for 10 years repairing the damages incurred by the Civil War. Parliament wanted to crown him King but he refused but said that England should have a written constitution. He appointed a "Constituent Assembly" and asked them to prepare one. Sometime later, when he found out that nothing was happening, he recalled the Commission and dissolved them, locked the doors of parliament and commissioned General John Lambert, an army officer, who was also a lawyer, to draft a constitution for presentation to parliament. The constitution drafted was called "the Instrument of Government" and was adopted December 18, 1653.

On January 14, 1707 when the Treaty of Union was signed, Scotland agreed to the Constitution. Although this constitution was burned in 1661, the burning of a piece of paper did not invalidate the approval of parliament. Parliament alone could dissolve what they had created and the fact that Scotland agreed to the same constitution with some amendments on January 14, 1707 and the fact that Great Britain even today follows almost perfectly the articles of that constitution proves that Great Britain really does have a Constitution.

Let's now look at the Facts of Chapter Five.

## **CHAPTER FIVE – FACTS**

### **THE CONSTITUTION OF THE GOVERNMENT OF ENGLAND**

Historians herald conflicts of the nations and decisive battles which occur. None of these are more important than the bloodless revolution accomplished by Queen Elizabeth when, with a scratch of her pen, she placed her signature upon the Thirty-nine Articles, changing the constitutional position of England from that of the feudal system to that of a limited monarchy. Whether this was done of her own volition or not is immaterial.

It unfettered the latent abilities of the people, producing an upsurge of activity in the arts, science, literature and exploration, and resulting in a period of prosperity and liberty hitherto unknown which is cited as the Golden Age of England.

It is important for the student of constitutional law to observe and always to hold in mind that the ownership of land and sovereignty are inseparable. Eminent domain is defined as:

"The unrestrained ownership of land; independent of all action from without and paramount over all action within."<sup>1</sup>

1. James Cacroft, *Encyclopedia of American and British Law* See copy in foreword of this book.

"Discovery" does not grant any legal title to land, When the Phoenicians discovered. England and traded for tin, did they claim any title to England? Certainly not. Did the Romans own England after building a network of roads and elegant cities? No! When the Romans left, the land was the property of the native tribes, the same as before they came.

Does Persia own Egypt? No! But there was a time when Egypt paid tribute to the Court of Darius: "A jar of Earth and a jar of Water."<sup>2</sup>

Neither Spain nor England claimed any title to North America by discovery. The Spanish title was granted by Pope Alexander VI (Rodrigo Borgia). England's title was obtained by conquest and by treaties with the native tribes.

England was England and Scotland was Scotland for over a hundred years after James I became Monarch of England in 1603. During his reign, as we have said, he was also sovereign of Scotland. Under the feudal system he was what is called a "corporation sole"; he possessed title to all lands in Scotland, and his will was absolute. He was the law. James I was careful not to come into conflict with the English parliament; he contented himself with using his influence to help elect members who were favorable to his policies.

When Charles I (James' son) ascended the throne as Monarch of England, he also became the recipient of the hereditary title of Sovereign of Scotland.

He made the mistake of attempting to govern England as he did Scotland. He was cornered by a committee from Parliament, and as a temporary measure signed thirty-one articles which were a condensation of the Thirty-Nine Articles signed by Queen Elizabeth.

If Charles had not been Sovereign of Scotland, it is quite probable that he would have been content to conform to the regulations of the Parliament of England.

He was well educated, and was the author of several volumes. But he knowingly persisted in violating the laws of England until his actions precipitated a Civil War in which many lives were lost.

He was captured by Cromwell who had been appointed by parliament as commander in chief of the Army. At his trial in London he was adjudged guilty and ordered executed.

His reign lasted from 1623 to 1640. Oliver Cromwell was appointed Lord Protector of England, was busy for ten years repairing the damages incurred by the Civil War.

When Parliament suggested that he be crowned King of England, Cromwell refused but said that England should written a constitution.

He convened a "constituent Assembly" and commissioned the leaders of the different religious sects to draft a constitution. Minor religious organizations were invited to seat delegates.

After the assembly had sat for some time, Cromwell called the leaders together and asked what progress they had made. They replied, "We are not getting anywhere."

Cromwell said, "In that case, gentlemen, I think you should return your commissions to me."

Later, Cromwell was informed that there were still some members sitting in the House of Commons. Cromwell called a sergeant and said, "Take a squad of soldiers to the House, turn those who are there out and lock the door."

When the sergeant asked them what they were doing, they answered, "We are waiting for the Lord Jesus." "Well," he said, "I think you had better go, for He has not been here for a long time to my certain knowledge."

He turned them out and locked the door, Cromwell then commissioned General John Lambert, an Army officer who was a lawyer in civil life, to draft a constitution to be presented to Parliament.

This constitution, which is called "the Instrument of the Government", was adopted by the Parliament on December 18, 1653. There are none who would say this was not a written constitution from 1653 to 1660.

Cromwell suffered a stroke in 1659 from which he did not recover, even to be able to talk. Upon his demise his son Richard was sworn in as Lord Protector. Richard, however, was not interested in holding this position and soon resigned.

At this juncture, the House of Commons sent a representative to Charles II to know if he would be willing to take the oath as Lord Protector.

He accepted, and arrived in Dover on May 29, 1660. As soon as he reached London he was sworn in, and agreed to sign the vouchers to pay the arrears owing to the members of the Army and Navy.

According to the Constitution the Commons could vote the money, but it was necessary that the vouchers be signed by a person who had taken the oath as Lord Protector.

Since then every Monarch of England on ascending the throne takes the aforesaid oath as Lord Protector.

I have neglected to state that the House of Commons requested Cromwell to convene a House of Lords to assist them in the government. But, and this is a big but indeed, as the Upper House was convened at the request of the House of Commons, the House of Lords can be dissolved at any time by the present House of Commons.

Upon the signing of the Treaty of Union in Edinburgh on January 14, 1707, Scotland agreed to the Constitution which now became the British Constitution. Only one amendment has been made to the Constitution. In 1838 when Queen Victoria came to the throne, Section 3 of the Constitution was amended by striking out the "power of pardons", known as the "Prerogative of Mercy," which since then has been exercised by the Home Secretary.

Two prerogatives remain to be exercised by the Lord Protector or Monarch. The Monarch may call upon any British citizen to form a Council in the event that, for example, a disaster should wipe out the present Cabinet. The other is a courtesy prerogative stipulating that if a warrant is issued for the arrest of any person of the King's household or servants, the Monarch's assent is requested before it is served.

## The English Constitution

The English Constitution drafted by General Lambert contains forty-two sections and is dated December 18, 1653.

Called the Instrument of Government by historians, it is to be found *in extenso in Acts of the Interregnum published* by Firth and Rait. These two men were delegated by the British Law Society to gather together and publish the Laws and Orders enacted by the Commonwealth (1640-1660),

It is regretted that space does not permit the publishing here of this Constitution *in toto*. It is clear, concise and without ambiguity, and that the British people have adhered to it so closely is a silent tribute to its author more eloquent than mere words.

**SECTION 1.** THAT The Supreme Legislative Authority of the Commonwealth of England, Scotland, and Ireland, and the Dominions thereunto belonging, shall be and reside in one Person, and the People assembled in Parliament, the Style of which Person shall be the Lord Protector of the Commonwealth of England, Scotland, and Ireland.

**SECTION 2.** THAT the Exercise of the Chief Magistracy, and the Administration of the Government over the said Countries and Dominions, and the People thereof, shall be in the Lord Protector, assisted with a Council, the Number whereof shall not exceed 21, or be less than 13.

**SECTION 3.** THAT all Writs, Process, Commissions, Patents, Grants and other Things, which now run in the Name and Style of the Keepers of the Liberty of England, by Authority of Parliament, shall run in the Name and Style of the Lord Protector, from whom, for the future, shall be derived all Magistracy and Honours in these three Nations; and have the Power of Pardons (except in the case of Murders and Treason) and Benefit of all Forfeitures for the public Use; and shall govern the said Countries and Dominions in all Things by the Advice of the Council, and according to these Presents and Laws.

**SECTION 4.** THAT the Lord Protector, the Parliament sitting, shall dispose and order the Militia and Forces, both by Sea and Land, for the Peace and good fo the Three Nations, by Consent of Parliament; and that the Lord Protector, with the Advice and Consent of the major part of the Council, shall dispose and order the Militia for the Ends aforesaid in the *Intervals* of Parliament.

**SECTION 5.** THAT the Lord Protector, by the Advice aforesaid, shall direct in all Things concerning the keeping and holding of a good Correspondency with foreign Kings, Princes, and States; and also, with the Consent of the major Part of the Council, the Power of War and Peace.

**SECTION 6.** THAT the Laws shall not be altered, suspended, abrogated, or repealed, nor any new Law made, nor any Tax, Charge, or Imposition laid upon the People, but by common Consent in Parliament, save only as is expressed in the 30<sup>th</sup> Article.

**SECTION 7.** THAT there shall be a Parliament summoned to meet at Westminster upon the third Day of September, 1654, and that successively a Parliament shall be summoned once in every third Year, to be accounted from the Dissolution of the present Parliament.

**SECTION 8.** THAT neither the Parliament to be next summoned, nor any successive Parliaments, shall during the Time of Five Months, to be accounted from the day of their first Meeting, be adjourned, prolonged, or dissolved, without their own consent.

**SECTION 9.** THAT as well as all other successive Parliaments shall be summoned and elected in Manner hereafter expressed; that is to say, the Persons to be chosen within England, Wales, and the Isles of Jersey, Guernsey, and the Town of Berwick upon Tweed, to sit and serve in Parliament, shall be, and not exceed, the Number of 30; and the Persons to be chosen and sit in Parliament for Ireland, shall be, and not exceed, the Number of 30.

**SECTION 11.** THAT the summons to Parliament shall be by Writ under the Great Seal of England ...

**SECTION 22.** THAT the persons so chosen and assembled in manner aforesaid, or any sixty of them, shall be, and be deemed the Parliament of England, Scotland and Ireland, and the Supreme Legislative Power to be and reside in the Lord Protector and such Parliament, in Manner herein expressed.

**SECTION 23.** THAT the Lord Protector, with the advice of the major part of the Council, shall at any other Time, that is before expressed, when necessities of the State shall require it, summon Parliament in manner before expressed, which shall not be adjourned, prolonged, or dissolved without their own Consent, during the first three months of their sitting. And in future War with any foreign State, a Parliament shall be forthwith summoned for their advice concerning the same.

**SECTION 24.** THAT all bills agreed unto by the Parliament, shall be presented to the Lord Protector for his consent; and in case he shall not give his consent thereto, within twenty days after they shall be presented to him, or give satisfaction to the Parliament with the time limited, that then, upon declaration of the Parliament that the Lord Protector hath not consented nor given satisfaction, such Bills shall pass into and become Laws, although he shall not give this consent thereunto; provided such Bills contain nothing in them contrary to the Matters contained in these Presents.

**SECTION 41.** THAT every successive Lord Protector over these Nations shall take and subscribe a Solemn Oath, in the Presence of the Council, and such others as they shall call on them, that he will seek the Peace, Quiet and Welfare of these Nations, cause Law and Justice to be equally administered; and that he will not violate or infringe the Matters and Things contained in this Writing; and, in all other Things, will, to his power, and to the best of his understanding, govern these Nations according to the Laws, Statutes, and Customs thereof.

**SECTION 42.** THAT each Person of the Council shall, before they enter upon their Trust, take and subscribe an Oath, that they will be true and faithful to their Trust, according to the best of their knowledge; and that in the Election of every successive Lord Protector, they shall proceed therein impartially, and do nothing therein for any Promise, Favour or Reward.

On the demise of Oliver Cromwell, Richard Cromwell took the oath of Lord Protector. Not being fitted by temperament for this position, he, on the advice of his Ministers, resigned, leaving the way open for the Parliament to invite Charles II to return.

Samuel Pepys was at this time Secretary of the Navy, and he tells us that he accompanied the fleet which escorted Charles II from the shores of Belgium. The King disembarked at Dover and entered London on May 29, which was his birthday. Charles was sworn in as Lord Protector, and thenceforth England was governed as a limited monarchy under the Constitution established by Oliver Cromwell.

Enthusiasm ran high. Charles proved a popular ruler. To please the people and as a gesture to the return of the royal line, Cromwell was disinterred and his head placed upon a pike. The constitution and the journals, records, and laws enacted during the twenty years of the Commonwealth were ordered to be burned by the public hangman. However, disinterring Cromwell did not rob him of his life, nor did the burning of the Constitution abrogate it. The Parliament, which was constituted by Cromwell on December 18, 1653, invited Charles II to return and carries on to this day.

During the reign of Charles a constitutional question was precipitated by the House of Lords attempting to interfere with the sole right of the commons to enact legislation regarding money bills. The King dissolved Parliament. The House of Lords never again contested or attempted to interfere with this constitutional right. Hallsbury says that the statement "the King can do no wrong" is an immunity by way of compensation for the absence of despotic power. This is instanced by the following passage recorded by David Hume:" It has been remarked of Charles that he never said a foolish thing or did a wise one ..." When the King was informed of this saying, he observed that the matter was easily accounted for. "For his discourse was his own, but his actions were his Ministry's."<sup>3</sup>

## **CHAPTER SIX - OVER VIEW**

### **THE SEVEN TRAGIC YEARS**

**1860 – 1867**

Two hundred years later, we pick up the threads of our story. Although much happened during those two hundred years the Boston Tea Party, the thirteen British Colonies had become independent and had struggled as separate colonies, experimenting with many different philosophies. The World Powers, Peter the Great of Russia had equalled the sea might of Great Britain, the Crimean War was fought and won by Russia. Russia had freed its serfs, Great Britain, France and Spain had all suffered by wars, lost their colonies and were trying to find ways to recoup their loss. However as those events did not effect Canada let's skip those 200 years and continue our story including the Seven Tragic Years for the world and Canada beginning with 1860 to 1867.

In 1860 Abraham Lincoln became the President of the U.S, but something else equally important, was a meeting held four days after the announcement of Lincoln as president. The Legislature of South Carolina passed an act calling for the Assembly of a "Secession Convention" to be held in Charleston on December 17. The 1788 act of a South Carolina Convention which had ratified the constitution of the U.S. was repealed, Mississippi, Florida, Alabama, Louisiana, Georgia and later Texas followed, and for a few months were again independent republics. On February 4, 1861 the Confederate States of America was formed.

I am sure these confederated states and their officials knew the plans that were being formulated in Europe, it was very evident that the sympathies of Great Britain was with and for the Southern Gentlemen. In Europe, Napoleon III, who had sold Louisiana, wanted it back. Britain wanted to get the northern states so they could be joined to Canada. Spain and Napoleon wanted Mexico and California.

Now because the south had formed the confederacy they could be supported by Great Britain, France and Spain and they would be able to recoup their lost colonies with the Confederacy being the catalyst. Britain, France and Spain entered into an agreement to help the South with war material and money. The South was winning the Civil War against Lincoln (the Rail Splitter as they called him) and it seemed as if the European nations were going to be successful.

Alexander the Second, Czar of Russia now enters the scene and sent a fleet of warships to San Francisco and New York. Remember he had defeated the European nations in the Crimean War and they wanted no war with him, so they pulled out, left the South to fight the war and as they were cotton growers and farmers with very little manufacturing, the confederated states soon ran out of guns, ammunition and money.

Lincoln printed (green backs) and with that currency, the manufacturing facilities of the North and more people he issued a declaration freeing the slaves and further cut the manpower of the South and of course won the war.

The U.S. then asked Great Britain for reparation for the havoc they had caused, the sinking of

226 ships and other damages. Britain disclaimed any responsibility and refused, using the argument that "they had not declared war". Everyone, however, knew the ships Alabama, Florida, Georgia, Shenandoah, Tallahassee, were built in Great Britain, manned by British crews, paid by Great Britain, so the U.S. said, "Two can play at this game".

The U.S., who had let their men keep their uniforms and guns as they were mustered out of the army quickly began mustering men and soon had 180,000 men marching toward Canada (remember Canada then was Upper and Lower Canada, Ontario and Quebec).

This was the beginning of the Fenian Raids which did considerable damage to property and people in Ontario.

As Britain knew a bill to annex Canada was before the U.S. congress and war with the U.S. was imminent, they agreed to discussions.

As the year 1870 closed, the outlook for Great Britain was grave indeed. If the United States persisted in its threat to annex Canada, the war office was convinced that Canada could not be defended against the force from the United States. Russia would probably help the U.S. So Great Britain, who had planned to help the South and to add the northern states to Canada, were now likely to lose Canada as well. An unthinkable happening! They must make peace and settle with the U.S. at whatever cost save losing yet another colony, Canada.

You must recognize we are now in the year 1870. In the light of these seven tragic years how would you have dealt with the Canadian delegation who were asking for independence in 1867. You would do as Great Britain did, play along, soft soap, "scheme" look like you were sympathetic, but you would only make it look like you were granting the delegation its wishes.

How did they accomplish their plan? They bought off John Macdonald, rushed an act through parliament, deleted an important page, installed a Governor General with dictatorial powers and reverted that colony, Canada, back to the position it was when the first governor was appointed. But for goodness sake, let's not tell those Canadians what we are doing.

You may say Britain or no country would do that! Yes my friend they would. Look what they have done to Hess, a prisoner in Spandau for the past 41 years, for trying to avoid a war.

Look at the awesome devastation of Pearl Harbour, 3,800 men died because of Roosevelt (he knew of the Japanese' plans), and so did the war mongers who wanted the U.S. in the war, Colonel Dall's own words from his book "Warlords of Washington" wrote these words: "The Democratic Administrations, while calling ever so loudly for "Peace" employed various measures and plans that finally involved this country, the U.S., in two foreign wars ... For the advisors ... it was a matter of managed news, and correct timing, so the American people would not know that they were about to be skilfully victimized and plundered."

They managed news, repeatedly pointed to political Pie-In-the-sky, "The war to end all wars" etc.

The "Pie" was in the sky, for sure, and was rained down from the sky directly upon the unsuspecting heads of thousands of loyal, unalerted American troops at Pearl Harbour one December Sunday morning. Over 3,800 of them died! What treason! (Read the Controversy of Zion.)

Yes my friend, Britain would and did deceive Canadians and betrayed them, and politicians in Canada have carried on the scam for 115 years (See appendix 2 and 3 in back of book). So we don't have to look at other countries, let's look at our own politicians. We've been told for years Quebec had special status, two founding nations. Finally the Supreme Court has this last few days ruled that Quebec has no special rights. Why today 115 years later? They are correct according to my research but why now? I wonder what the scheme is now?

Yes believe me, Britain would and did what it felt it had to do. It had to and did save for itself a colony called Canada.

They confirmed this treachery in 1889 (Twenty-two years after the B.N.A. Act) in "the interpretations act". In that act it stated "a Dominion is a colony". Canada was that Dominion.

Now, if you wish, read the facts.

## **CHAPTER SIX – FACTS**

### **SEVEN TRAGIC YEARS, 1860-1867**

I have included these Seven Tragic years because of the profound effect they had on Canada.

Although enormous losses were sustained by both the North and South in the civil war, they are far outweighed by the losses sustained by Canada. The whys and wherefores of this seeming paradox are recounted and explained in the following pages. The highlights of the year 1860 are the nomination of Abraham Lincoln, the visit to America of the Prince of Wales, and the completion of the telegraph to San Francisco.

The Prince of Wales was welcomed and received with acclaim and lionized by the local dignitaries in all the centers he visited in the United States. He was widely travelled and proved a ready and gracious speaker at dedications of public buildings and on ceremonious occasions. The Prince was also a popular patron of sports, particularly of horse-racing. He gave the impression that he was not interested in serious affairs or the activities of his government, and was generally considered a good-natured playboy.

We learn from British sources that although he was allowed a generous stipend by the government, his mother, Queen Victoria, and the cabinet assiduously kept all matters of import from him, and that it was not until 1882 that he was permitted even the inspection of important documents pertaining to the actions and policies of the executive.

There is little doubt, however, that among the members of his entourage there were well-qualified men who knew the score and would be unshackled in transmitting to their government information of importance concerning the situation in North America.

Abraham Lincoln was nominated on May 16, 1860, by the Republican Party convened in the Wigwam, Chicago. South Carolina, at the time, was the only remaining state whose presidential electors were chosen by vote of the state Legislature rather than by a vote of the people. The Legislature was in session to select the State's electors when the news was received that Abraham Lincoln had been nominated.

Four days later the Legislature passed an act calling for the assembling of a secession convention to be held in Charleston on December 17.

By unanimous vote of its 169 members, it enacted its Ordinance of Secession, which declared; "The 1788 Act of a South Carolina convention, whereby the constitution of the United States was ratified, is hereby repealed, and the union now subsisting between South Carolina and the other states under the name of the United States of America is hereby dissolved." In the evening a ceremony was held of the signing by the delegates of this historic document in the presence of the governor and officials of the State. Mississippi, Florida, Alabama, Louisiana, Georgia, and then Texas followed and for a brief time were independent republics. Delegates from these states were convened at Montgomery, Alabama, on February 4, 1861, and organized the Confederate States of America.

It is most evident that South Carolina knew before any action was taken that a scheme had been developed in Europe to assist them and the other states provided they decided to secede.

Napoleon III may not have been the author of the scheme, for Disraeli is quoted as saying, "Napoleon will do anything I want him to do."

Disraeli had a plan to take over the controlling interest of the Suez Canal, and had taken Napoleon into his confidence; in any case, they were the best of friends.

It is a matter of common knowledge that the sympathies of the landed and titled gentry and monied interests of Great Britain were with the Southern states. Furthermore, the agreement to put the scheme into effect was signed in London, Five-score years had come and gone since France had lost Canada to the British on the Plains of Abraham. In 1776 Great Britain had lost her New England colonies with the assistance provided by France. By warring with Britain, Spain had become so anemic that she could not muster the forces to control her colonies, or to prevent them from declaring their independence.

Each of these European powers had lost their most valued possessions by fighting each other; why not join their forces and recover what they had lost was the argument of Napoleon III.

Now was the opportune time, The Southern states were planning to secede. Why not help them?

The uncouth rail-splitter nominated by the Republican Party was no match for the Southern gentlemen with all their wealth and erudition. He would be defeated if the combined armed forces of Europe were arrayed against him.

Mexico owed a ten million dollar debt to British and French bankers which could be the proper excuse for an invasion. Napoleon III's Foreign Legion alone was sufficient to conquer Mexico, which was governed by an ignorant Indian, Benito Juarez, who had no armed forces worthy of the name.

When the Americans were defeated, France would be able to recover Louisiana which Napoleon Bonaparte had sold in 1805 without the consent of the government or the French people.

The Northern states would have become so exhausted by the war that they would be pleased to end hostilities by joining up with Canada, and again be a part of the British Empire; or they might be more satisfied with crowning the Prince of Wales as King of America.

Following is the agreement signed by England, France, and Spain

**Article 1.** Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; Her Majesty the Queen of Spain and His Majesty the Emperor of to make immediately after the signature of the present convention, the necessary arrangements for dispatching to the coast of Mexico, combined naval and military forces, the strength of which shall be determined by a further interchange of communications between their Governments, but of which the total shall be sufficient to seize and occupy fortresses and military positions on the Mexican Coast.

**Article 2.** The commanders of the allied forces shall be moreover authorized to execute the other operations which may be considered on the spot, most suitable to effect the object specified in the preamble to the present convention, and specifically to ensure the security of foreign residents.<sup>1</sup>

It could not have been the Mexican debt that caused these traditional enemies to forget their animosities and to become allies in an invasion of Mexico. For when it was noised about that an invasion was contemplated, Lincoln offered to pay the debt rather than have any country in the Americas invaded, Lincoln's offer was discounted. The European powers were informed that the southern states were in any case seceding from the Union, and that Lincoln had made the offer not for humanitarian reasons, but because he was afraid to fight. Lincoln was vilified and abused. How could this uncouth rail-splitter-from the North hope to defeat Southern gentlemen?

Napoleon III contacted his friend Maximilian, brother of Emperor Francis Joseph of Austria, and offered him Mexico and the forces to place him on the throne as Emperor of Mexico.

Maximilian was a tall, handsome prince who but a short time previously had married Carlota, the sixteen-year-old Belgian beauty. They resided in their villa in Italy. Twice Maximilian turned the offer down; but when approached the third time, he agreed, but said that he would accept only on the condition that it was the desire of the Mexican people themselves.

This did not prove a difficult matter to arrange. A group of Mexican grandees made a visit to Italy and Maximilian was crowned Emperor of Mexico by them in Italy. Napoleon was jubilant; everything was proceeding according to plan. As the Mexican people had wrested the right to govern themselves from Spain, it would never do to attempt to put a Spaniard on the throne - but this was different.

Here was a handsome Prince who had been crowned Emperor, ostensibly by the Mexican people themselves. None could say this was not so. Napoleon had completed the groundwork. On his part he had promised to dispatch thirty thousand troops of the Foreign Legion to Mexico to be at Maximilian's disposal.

Napoleon himself came over to America where he lived aboard his yacht anchored off St. Helen's Island in the harbor of Montreal, just where the present seaway has been opened.

He was in constant communication by telegraph with the forces he had dispatched to Mexico, Msgr. Roy of Montreal stated that Napoleon appeared well informed regarding the political situation in North America.

A Spanish fleet stationed at Cuba when the agreement was signed immediately invaded Vera Cruz in Mexico. This fleet was shortly joined by squadrons of the British and French fleets.

The British Admiralty received a typical English letter from a rear admiral; he wanted to know if Spain was to have all the choice pieces of North America as the Spaniards had commandeered all the first-class hotel accommodations in Vera Cruz.

1. *Annual Register (British 1861)*, p.216.

To pay the troops in Mexico, Napoleon sent three million in gold under guard which was intercepted by a Mexican force.

In 1863, exactly a month after the Foreign Legion landed in Vera Cruz to pave the way for the ill-fated Emperor Maximilian and his Belgian bride, Carlota, the incident at Camerone occurred. The Legion, warned that a French convoy carrying food, arms and three million in gold was nearing Pueblo, was asked to provide protection. A patrol of 62 Legionnaires and two officers, led by Captain Danjou, a veteran of Sebastopol, who had a wooden hand, set forth on the assignment. At ten in the morning, Danjou and his company ran smack into a Mexican detachment of 800 Cavalry and 1200 Infantry, and hurriedly holed up behind the wall of a wayside inn.

Throughout most of the day, the 62 Legionnaires successfully held off the 1500 Mexicans. Finally the survivors assembled and took oath on Danjou's wooden hand to fight until death. When dusk fell only five Legionnaires remained. They had one bullet left. They fixed their bayonets, and as the Mexicans poured through the breaches in the wall, the Legionnaires charged. All gave their lives, after inflicting 580 casualties upon the Mexicans, but the convoy to Pueblo was saved. This was France's Alamo.

Today, on every anniversary of Camerone, after the music is done and the parades are over, the oldest Legionnaire in Bel-Abbes unwraps Captain Danjou's wooden hand and displays it to the men. Even those who have seen it April after April are moved.<sup>2</sup>

The first shot fired at Fort Sumter was from a Blakeley and Whitworth rifled cannon. The garrison at the Fort remarked on its extraordinary accuracy. This cannon has the distinction of being the first breechloading cannon to be fired in actual war. The manufacturers sent a squad of men to show the Southerners how to operate its mechanism. In the charge of the Light Brigade at Balaklava in the Crimean War (1854-1856), the batteries were muzzle-loading, with round shot.

Colonel A. R. Dunn, who won the Victoria Cross in this charge, was sent from England to Toronto, Ontario, with eight thousand men aboard the *Great Eastern*. He was to await orders, but to be prepared to attack Lincoln from the north.

Charles Bruce, British Consul at Charleston, South Carolina, was the go-between to arrange the marketing of Confederate bonds in Britain; these were to provide the funds to build a navy of privateers for the Confederacy.

Most of these ships were constructed by Laird and Son at Birkenhead, and included the *Alabama*, *Florida*, *Georgia*, *Shenandoah*, *Tallahassee*, *Chickamauga*, *Clustee* and *Sea King*, with their auxiliaries.

2. Irving Wallace, "Army Anonymous," *Collier's*, February 1, 1947

They were British from keel to mast-head, armed with British guns, manned with British tars and outfitted with British supplies.

The headquarters and pay office of the Confederate Navy was in Liverpool. When the war was over, Charles Bruce was promoted to be Consul-General of Cuba, a Spanish possession.

### **Russia's Intervention**

Let me not omit to explain the Russian position and the assistance Russia tendered to Lincoln in this conflict.

Peter the Great well deserved his title. As a young man he arrived incognito in England in the 1700's and applied for work as a common laborer in the British shipyards. Britain was then the foremost shipbuilding country, and Peter, by his willingness and industry, was gradually promoted until he became a ship-wright.

Vast forests of fir and pine covered the shores of the Baltic, and here Peter established his shipyards. Over the next two decades there was no letup in the launching of ships until the Russian navy became the equal of the British fleet.

The Bering Sea is named after a Russian sea-captain who was the discoverer. Immediately the Russian American Fur Company was chartered to trade for furs with the natives of Alaska.

Needing supplies for the trappers and their employees, the Company negotiated an agreement with Spain, and for a small yearly payment received a concession of land at Russian River, Bodega Bay, California, on the shores of the Pacific, a short distance up the coast from the Golden Gate.

Here for many years they farmed the land, raised their own beans, peas, corn, hogs and cattle.

When Mexico, including California, declared independence from Spain, the Company lost this concession and thereafter purchased their supplies from the Hudson Bay Company which had stores at Masset, on the Queen Charlotte Islands, and at Port Simpson, near Prince Rupert. Naturally the Czar, because of his interests in Alaska, was keenly watching events in North America. He was in sympathy with Lincoln, having himself freed the serfs of Russia in 1860.

These powers arrayed against Lincoln were his erstwhile enemies, Britain, France, Sardinia and Turkey were the allies which he had defeated in the Crimea. He knew he could not hold Alaska if Lincoln were defeated. He dispatched his Baltic squadron under the command of Admiral Livofsky to New York and his Pacific fleet under Rear-Admiral Popov to San Francisco with instructions that they were to take orders from Lincoln.

Considering the tremendous losses sustained in the Crimea, the last thing that Britain wanted was another war with Russia. Britain also knew that it would mean war if she continued to assist the Confederacy.

It would be best to let the North and South fight it out. The arrival of the Russian fleets was coincident with the tide of war favoring the Northern States.

In the meantime the privateers which had been built in British shipyards had driven the merchant ships of America from the sea.

Even after the war was over the *Shenandoah*, which had put into Australia for repairs, recruited 50 men from Botany Bay and sailing to the Arctic, sank fourteen whalers. The *Shenandoah* was unaware that the war was over.

Many speeches were made in the House of Commons against the sinking of merchant ships, among them one by Mr. Cobden:

What did Russia do? She sent her fleets immediately to America, and knowing the astute and longheaded man who rules at St. Petersburg, does anybody doubt what the motive was? ... No doubt with the intention of putting those crews in the swiftest vessels that could be obtained both on the Atlantic and Pacific side, in order that they may be employed against our Commerce ... Recollect her geographical position.

She has one sea-coast on the Atlantic and another on the Pacific, and her Pacific coast is within about a fortnight's steaming of the China trade.

Let any man read the shipping list from Shanghai and it is almost like reading the Liverpool shipping list. Suppose then, you were at war with any other power and you had laid down this doctrine for other countries to imitate; why, let the Americans be as true and loyal to their principle of neutrality as they have been, can you doubt, if American nature is English nature, that out of their innumerable creeks and harbours, there will not be persons to send forth fleet steamers to prey upon our commerce?

Why, many Americans will think it an act of absolute patriotism to do this. They will say: We have lost our Mercantile Marine through you doing this, and by doing the same thing toward you we will recover it again, and you will be placed in the same position we were.

You will have a high rate of insurance, and you will be obliged to sell your ships. You have the profits before, now we shall have it, for this game is one that two can play at.<sup>3</sup>

Great Britain finally agreed to an impartial Tribunal of Arbitration only after the United States threatened to annex Canada.

Previously Great Britain had been most emphatic in denying any responsibility for damages resulting from the activities of the privateers.

It was true that these ships were constructed in British yards by private citizens, but as Britain had not declared war, the government was not responsible.

Would Great Britain be willing that the evidence be submitted to an impartial Tribunal of Arbitration?

The answer was: "Couldn't think of it, you know, "or words to that effect. At this juncture the clever suggestion was made that an independent organization be formed with the avowed purpose of annexing Canada.

3. *Parliamentary Debates*, Vol. 175, pp. 500-505.

Who and what were the Fenians? Mr. Watkin gave us an answer to this question when he addressed the House of Commons in London, February 23, 1866. This was five months prior to the fight at Ridgeway, Ontario, where General John O'Neil leading the Fenians was met by a regiment from Toronto.

*Mr. Watkin:* He had recently been in the United States. He was in Philadelphia when the Fenian Congress was sitting here in October last. He was in New York when the Head-quarters of the Fenian Organization was removed from Duane St. to one of the largest houses in Union Square, which was set up as what they called the Fenian Capitol and surmounted by what they called their adopted flag. He was also in Canada when rumours more or less serious arrived of intended Fenian raids into British Territory, and knew preparations had been made to resist attack ... No one in the United States could plead that he did not know that there existed a vast ramification all over the States, having war with a peaceful ally for its avowed object. With regard to the Congress at Philadelphia he might mention one peculiar feature was the presence of a large number of officers in the employment and pay of the Government of the United States. He had in his hand a list of a very small committee of the Congress and yet it contained the names of no less than ten volunteer officers belonging to the United States, Three of these were Generals, five were Colonels, one was a Captain and the last one was a Lieutenant.

Colonel William R. Roberts was chosen as the president of the Organization and General T. W. Sweeney (who was then Commanding Officer of the 16th United States Infantry) as Secretary of War, His staff was composed of the following officers, all of who had seen service in the Civil War. Chief of Staff - Brig. Gen C. Carroll Tavis ... Chief of Engineering Corps - Col. John Meehan ... Chief of Ordnance - Col. C. H. Rundell ... Engineer Corps – Lieut. C. H. Treslier ... Asst. Adj. - Gen. Major E. G. Courtney ... Ordnance Dept. - Major M. O'Reilly ... Quartermaster - Major M. H. Van Brunt ... Aide de Camp - Capt. D. W. Greeley and Capt Daniel O'Connell ...

*The Chancellor of the Exchequer:* It may be perfectly true, and is unhappily too true that Fenianism in the main is the thing imported from America.

As the regulars were mustered out in 1865 they were permitted to retain their rifles and knapsacks. These trained and armed veterans were welcomed by the Fenian organization and largely were the nucleus of the 184,000 volunteers. To embarrass Great Britain a squad of Fenians under Stevens was dispatched to Ireland, and because of their activities in fomenting rebellion there most of them were arrested and sentenced to life imprisonment.

Ten thousand Fenians were encamped at Buffalo and a raid was made into Ontario by Gen. John O'Neil with 1500 men. This force was met at Ridgeway by a regiment of Canadians from Toronto. The engagement lasted most of the day, with few casualties.

When news of the invasion was flashed to Britain, the Government agreed to negotiate. The force under O'Neil was recalled, and to carry out the fiction that the raid had been made without the knowledge of the United States, most of them were arrested. However, a Bill had been introduced into the House of Representatives to annex Canada.

The following Bill to annex Canada was introduced into the House by Representative Banks. Later, when Great Britain had agreed to arbitration, this Bill was recommitted to the Committee of Foreign Affairs (July 2, 1866).

A bill for the admission of the States of Nova Scotia, New Brunswick, Canada East and Canada West and for the reorganization of the Territories of Selkirk, Saskatchewan, and Columbia.

### **Sec. 1.**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the President of the United States is hereby authorized and directed, whenever notice shall be deposited in the Department of State, that the Governments of Great Britain and the Provinces of New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland, Canada, British Columbia, and Vancouver's Island, have accepted the proposition hereinafter made by the United States, to publish by proclamation that, from the date thereof, the States of Nova Scotia, New Brunswick, Canada East and Canada West, and the Territories of Selkirk, Saskatchewan, and Columbia, with limits and rights as by this Act defined, are constituted and admitted as States and Territories of the United States of America.

### **Sec. 2.**

Be it further enacted ... That the following articles are hereby proposed, and from the date of the proclamation of the President of the United States shall take effect, as irrevocable conditions of the admission of the States of Nova Scotia, New Brunswick, Canada East and Canada West, and the future States of Selkirk, Saskatchewan and Columbia, to-wit:

### **Article 1.**

All public lands not sold or granted; canals, public harbours, lighthouses and piers; river and lake improvements; railways, mortgages and other debts due by railway companies to the Provinces; custom houses and post offices shall vest in the United States; but all other public works and property shall belong to the State Governments respectively, hereby constituted, together with all sums due from purchasers or lessees of lands, mines, or minerals at the time of the union.

## **Article II.**

In consideration of public lands, works, and property vested as aforesaid in the United States, the United States will assume and discharge the funded debt and contingent liabilities of the late Provinces at rates of interest not exceeding five per centum, to the amount of \$85,800,000 apportioned as follows: To Canada West, \$36,500,000; to Canada East \$29,000,000; to Nova Scotia, \$8,000,000; to New Brunswick, \$7,000,000; to Newfoundland, \$3,300,000; and to Prince Edward Island, \$2,000,000; and in further consideration of the transfer by said Provinces to the United States of the power to levy import and export duties, the United States will make an annual grant of \$1,646,000 in aid of local expenditures, to be apportioned as follows: To Canada West \$700,000; to Canada East \$550,000; to Nova Scotia \$165,000; to Newfoundland \$65,000; to prince Edward Island \$40,000.

## **Article III.**

For all purposes of State organization and representation in the Congress of the United States, Newfoundland shall be a part of Canada East, and Prince Edward Island shall be a part of Nova Scotia, except that each shall, always be a separate representative district and entitled to elect at least one member of the House of Representatives, and except also that the municipal authorities of Newfoundland and prince Edward Island shall receive the indemnities agreed to be paid by the United States in Article II.

## **Article IV.**

Territorial divisions are established as follows: (1) New Brunswick, with its present limits; (2) Nova Scotia, with the addition of Prince Edward Island; (3) Canada East, with the addition of Newfoundland and all territory east of longitude 80 deg. and south of Hudson Straits; (4) Canada West, with the addition of\_ territory south of Hudson's Bay, and between longitude 80 and 90 deg.; (5) Selkirk Territory, bounded east by longitude 90 deg., south by the late boundary of the United States, west by longitude 105 deg., and north by the Arctic Circle.; (6) Saskatchewan Territory, bounded east by longitude 105 deg., south by latitude 49 degrees, west by the Rocky Mountains, and north by latitude 70 deg.: (7) Columbia Territory, including Vancouver Island and Rocky Mountains, south by latitude 40 deg., and west by the Pacific Ocean and Russian American. But Congress reserves the right of changing the limits and subdividing the areas of the western territories at discretion.

## **Article V.**

Until the next decennial revision, representation in the House of Representatives shall be as follows: Canada West, 12 members; Canada East, including Newfoundland, 11 members; New Brunswick, 2 members; Nova Scotia, including Prince Edward Island, 4 members.

## **Article VI.**

The Congress of the United States shall enact, in favour of the proposed Territories of Selkirk, Saskatchewan and Columbia, all the provisions of the Act organizing the Territory of Montana, so far as they can be made applicable.

## **Article VII.**

The United States, by the construction of new canals, (by) the enlargement of existing canals, and by the improvement of shoals, will so aid the navigation of the St. Lawrence River and the Great Lakes that vessels of fifteen hundred tons' burden shall pass from the Gulf of St. Lawrence to Lakes Superior and Michigan; provided that the expenditure under this Article shall not exceed \$50,000,000.

## **Article VIII.**

The United States will appropriate and pay to "The European and North American Railway Company of Maine" the sum of \$2,000,000 upon the construction of a continuous line of railroad from Bangor, in Maine, to St. John, in New Brunswick; provided said "The European and North American Railway Company of Maine" shall release the Government of the United States from all claims held by its assignees of the States of Maine and Massachusetts.

## **Article IX.**

To aid the construction of a railway from Truro, in Nova Scotia, to Riviere du Loup, in Canada East, and a railway from the city of Ottawa, Pembina and Fort Garry, on the Red River of the North, and the Valley of North Saskatchewan River, to some point on the Pacific Ocean north of latitude 49 deg., the United States will grant lands along the lines of said roads to the amount of twenty sections, or 12,800 acres, per mile to be selected and sold in the manner prescribed in the Act to aid the construction of the Northern Pacific Railroad, approved July 2, 1862, and Acts amendatory thereof; and, in addition to said grants of land, the United States will further guarantee dividends of five per centum upon the stock of the company or companies which may be authorized

by Congress to undertake the construction of said railways; provided that such guarantee of stock shall not exceed the sum of \$30,000 per mile, and Congress shall regulate the securities for advances on account thereof.

#### **Article X.**

The public lands in the late Provinces, as far as practicable, shall be surveyed according to the rectangular system of the General Land Office of the United States; and in the territories west of longitude 90 degrees, or western boundary of Canada West, Sections sixteen and thirty-six shall be granted for the encouragement of schools, and after the organization of the territories into the States, 5 per centum of the net proceeds of sales of public lands shall be paid into their treasuries as a fund for the improvement of roads and rivers.

#### **Article XI.**

The United States will pay \$10,000,000 to the Hudson Bay Company in full discharge of all claims to territory or jurisdiction in North America, whether founded on the charter of the company or any treaty, law or usage.

#### **Article XII.**

It shall be developed upon the Legislatures of New Brunswick, Nova Scotia, Canada East and Canada West, to conjoin the tenure of office and the local institutions of said States to the Constitution, and laws of the United States, subject to revision by Congress.

#### **Sec 3.**

Be it further enacted, If Prince Edward Island or Newfoundland, or either of those Provinces, shall decline union with the United States, and the remaining Provinces, with the consent of Great Britain, shall accept the proposition of the United States, the foregoing stipulations in favor of Prince Edward Island and Newfoundland, or either of them, will be omitted: but in all other respects the United States will give full effect to the plan of union. If Prince Edward Island, Newfoundland, Nova Scotia, and New Brunswick shall decline the proposition, but Canada, British Columbia and Vancouver Island shall, with the consent of Great Britain, accept the same, the construction of a railway from Truro to Riviere du Loup, with all stipulations relating to the Maritime provinces, will form no part of the proposed plan of union, but the same will be consummated in all other respects. If Canada shall decline the proposition, then the stipulations in regard to the St. Lawrence canals and a railway from Ottawa to Sault Ste. Marie, with

the Canadian clause of debt and revenue indemnity, will be relinquished. If the plan of union shall only be accepted in regard to the North-western territory and the Pacific provinces, the United States will aid the construction on the terms named, of a railway from the western extremity of Lake Superior in the State of Minnesota, by way of Pembina, Fort Garry and the Valley of Saskatchewan, to the Pacific Coast, north of latitude 49 deg., besides securing all the rights and privileges of an American territory to the proposed Territories of Selkirk, Saskatchewan and Columbia.

By accepting to negotiate, Great Britain admitted that the government was responsible for the losses sustained by the American Merchant Marine.

The Earl of Derby, under the pseudonym of Lord Stanley, visited Washington and held a conference with President Andrew Johnson, resulting in the signing of the Stanley-Johnson convention, which was promptly rejected by the Foreign Relations committee of the senate for the reason that it did not include an apology.

When the Earl of Derby had to admit in London that his mission had been unsuccessful, the Earl of Clarendon was accredited; the result of his visit was the Clarendon-Johnson convention. Although better than the Stanley-Johnson Convention, neither did this include an apology, and again it was rejected by the Senate.

We had to apologize after the Trent Affair, so we insist upon an apology.

In 1871 it was finally mutually agreed that the case be decided by an impartial Tribunal of Arbitration to be held in Washington. In the meantime a thorough discussion of the question was aired in the House of Commons.

In *Parliamentary Debates* under the heading "Debate on Colonel Jervois Report," most of the leaders on both sides of the House had something to submit. The debate, which commenced on March 13, 1865, covers approximately a hundred pages of British *Hansard*. Excerpts only are quoted here as this is sufficient for our purpose. Parliamentary debates from Queen Elizabeth to date are to be found in the Parliamentary Library in Ottawa.

It should be noted that the British Government had refused to acknowledge any responsibility for the sinking of ships of the American Merchant Marine, and for the past two years had consistently refused to consider the suggestion of the United States that the war claims be settled by an impartial Tribunal of Arbitration.

Mr. Thomas Hughes: He did not wonder at the soreness of the Americans, or at their saying that the lion's paw was the only law with John Bull. That, whether right or wrong, we would have our way and would not submit to an Impartial Tribunal. It has been said that the American Government had treated France and Spain in a very different manner to that in which they have treated this country and he believed that to have been the case, but France and Spain had treated America in a different manner than that pursued by this country and had allowed no Alabama to leave their shores. (Cries of OH! OH!)

Hon. Gentlemen might say Oh! Oh! – but he had, believed, taken more trouble to understand America than most Gentlemen in that House. He could not see what reason we had' to refuse to go to arbitration, though he refrained from expressing an opinion as to whether that Tribunal would decide we were right or wrong. The complaint of America was simply this, and that we somehow or other, whether rightly or wrongly, allowed certain vessels to escape from our ports, and to prey upon their commerce, and when they asked for an Impartial Tribunal of Arbitration, we refused it.<sup>4</sup>

*John Bright:* Well now if there comes a war, in which Canada shall suffer and be made a victim, it will be a war got up between the Government in Washington and the Government in London ... I say that there is no generous and high-minded man who could look back upon the transactions of the past four years without a feeling of sorrow at the course we have pursued on some particular occasions. Going back nearly four years we recollect what occurred when the news arrived of the first shot having been fired at Fort Sumter. That I think was about April 12th. Immediately after that time it was announced that a new Minister was coming to this country. Mr. Dallas had intimated to the Government that he did not represent the new president; he would rather not undertake anything of importance; but that his successor was on his way and would arrive on such a day. When a man leaves New York on a given day you can calculate to about 12 hours when he will arrive in London.

Mr. Adams I think arrived in London about May 13th, and when he opened his paper the next morning he found the proclamation of neutrality acknowledging the belligerent rights of the South. I say the proper course to have taken would have been to wait until Mr. Adams arrived here, and to have discussed the matter with him in a friendly manner.

Then I come to the last thing I shall mention . . . to the question of the ships which have been preying on the commerce of the United States, I shall confine myself to that one ship the "Alabama". She was built in this country. All her munitions of war were from this country. Almost every man aboard her was a subject of His Majesty.

4. *Parliamentary Debates*, Vol. '181, pp. 1027-1029.

She sailed from one of our chief ports. She is reported to have been built by a firm in whom the Member of this House was and I presume is interested ... that the Member for Birkenhead (Mr. Laird) looks admiringly upon the greatest example which men have ever seen of the greatest crime which men have ever committed.<sup>5</sup>

*Mr. Laing:* There could be no doubt that after what had passed during the late contest in America, we should be at the mercy of any maritime power with which we might enter into war, it would be impossible for us to engage in such a war without exposing our great mercantile fleet to destruction. The operation of the "Alabama" had caused one-third of the whole tonnage of New York to be transferred to foreign flags; and what he would ask would be our position with a hundred "Alabamas" issuing from a variety of ports to prey upon our commerce.<sup>6</sup>

*Mr. Lowe:* I cannot conceive why we should enter into arrangements to keep these troops in Canada. There is another consideration which to me seems a most powerful one. When we once go to war with America it may be about Canada; will Canada be the best place to carry on the war? In such a struggle we must consider not merely local but Imperial interests; we must wage war in the mode least likely to injure the forces of the Empire, and strike at points which are vital to the interest of our antagonist. If we allow the Americans to lead us, if we follow them to the points they choose to attack; points after all only of local and subordinate interest leaving unguarded other places which are of Imperial importance, such a policy would end in certain failure and disaster ... As far as military considerations go. Therefore, my conclusion is that it would be unwise and indeed impossible for us to retain any force worth speaking of in Canada, in the event of so great and awful a struggle as that between this country and America, that we should want all our troops for the defence of these Islands, or for other points more essential to us, and partaking more of the "*arx imperii*" than Canada ... (a) I should think that Bermuda and Halifax were much more important than any point in Canada, not for the sake of the places themselves, but because the whole safety of our fleets in North American waters would depend on these two places. In the same way it would be necessary to defend certain points in the West Indies for the protection of our ships. I apprehend, therefore, that we should act imprudently in case of war in keeping our troops in Canada.

5. *Ibid.*, p. 1028

6. *Ibid.*, p. 1040.

(a) It must be noted Canada refers here to upper and lower Canada (Ontario and Quebec).

But if we would not be prudent to keep our troops there in time of war, is it right or is it wise to keep them there in time of peace, thereby encouraging the Canadians to believe that they will have these troops if war should break out, though we know, at least those who take my view know, that the necessary result of a war, which begins with the invasion of Canada, must, if we are true to Imperial interests, be the speedy withdrawal of these troops. I say, that unless you are prepared to maintain that the same force should be kept in Canada in war as in peace. It is wrong to retain our troops there now because we are thereby urging the Canadians under false pretences. Better they should know the truth at once, know that they and not we are to fight the Americans; that, with our small army, we should, as we did in the Crimean campaign, soon feel the wear and tear to be so severe that we should be compelled to withdraw our troops from Canada for our own Protection.<sup>7</sup>

*Mr. White:* ... The Rt. Hon. Gentleman for Calne (Mr. Lowe) represented the opinion of every one whose opinion was worth having, when he spoke of the utter impossibility of holding Canada without an expenditure of money and blood on the part of Great Britain fearful to contemplate.<sup>8</sup>

*Lord Robert Cecil:* In discussing this question it seems to me we have not thought of the interests of the people of Canada. Now, the people of Canada have a solid and real danger before them, What presses on them is not the question of the British Empire, whether British honor shall be maintained or not, but the question of their own lives, their own homesteads, their own property; and what they want to know is whether England is prepared to back them up, or whether she is not prepared to do so. And what answer do they receive? The Secretary for the Colonies gives generous and large spoken promises, destitute as it seems to me of any definite value, but still showing most amiable intentions ... The Hon. Member for Stockport (Watkin) says: "You are bound to defend the frontier of Canada." Another Hon. Members says: "The Government are merely bound to protect a few fortified points. "The Right Hon, Member for Calne (Mr. Lowe) says: "Canada will best be defended by abandoning her altogether and attacking the Americans somewhere else, or defending the British Empire somewhere else; so that if we amassed a force to defend the isle of Wight we should be defending Canada." But the Hon. Member for the Tower Hamlets (Mr. Ayrton) says: "The best way to defend Canada is never to quarrel with the United States, what will happen to them? They know that the House of Commons is the source of all political power, that it directs the policy of this country, and they will study the records of this debate with the anxious interest of men whose lives and interests are at stake.<sup>9</sup>

7. *Ibid.*, p. 1582.

8. *Ibid.*, p. 1589.

9. *Ibid.*, p. 1611

*Mr. Bright:* Let us "take care of ourselves." That is a fifth suggestion. The Hon. Member for Birmingham says: "The best course for this country would be to take care of ourselves." What I desire to impress upon the House is that ambiguity and uncertainty is more dangerous to the interests, more fatal to the honor of England than any other course you could adopt.

You are bound to let the Canadians know, not by any vague generalities, not by mere generous and amiable sentiments, but in a business-like manner, and in accurate debate, what is the precise assistance they may expect from you, so that they may know how to conduct themselves accordingly. If you say you will defend them by abandoning them altogether, perhaps they may think the best means of defending themselves is by abandoning you. If you tell them you will defend them on condition of their giving you the power to call out auxiliary forces from amongst them, they will know exactly what you require and what they must do to earn your aid. But, as the matter now stands, as far as I understand from the Secretary for the Colonies, we are not going to defend Canada as we should defend Scotland, as being an integral part of the British Empire, but with the admission to Canada that her defences must depend mainly upon herself. That seems to me an indefinite liability contingent on a perfectly indefinite condition.

If Canada now trusts to the vague promises of the Secretary of the colonies, and allows herself to be drawn into a quarrel with the United States ... and I agree with the Hon. Member for Horsham, the quarrel will not be with Canada but with England, I fear that the disastrous scenes of last year will be repeated over again. We shall then see the enormous danger, we shall have 300,000 men at the frontier, with a nucleus of 10,000 to oppose them, and 20,000 volunteers.

And when we are face to face with the difficulty we shall inquire what amount of obligation we have to Canada and what we have promised; the Secretary for the Colonies will then open Hansard, and find his speech delightfully vague, and then we shall look back to our despatches on the subject, and find there is no definite promise that can be diplomatically enforced; and then perhaps shall persuade ourselves that Canada is best defended by abandoning Canada altogether, and that the best is to leave her inhabitants to the mild and paternal rule of the United States. Whatever you do, let Canada know distinctly the conditions under which you are prepared to aid her, the extent to which you will go, and how far you do not regard her as an integral portion of the British Empire.

When you have made up your minds on that point and recorded your determination in some formal document, you will be able to look forward without fear to any change the future may bring, you will be prepared to do your duty as you have defined it, and act up to the pledges you have given.<sup>10</sup>

Later Mr. Seymour Fitzgerald was heard again. He said:

I ask the House to consider what has been our position during the last three years ... During that time at any moment, in consequence of the intemperate order of an injudicious commander, or of some event striking alarm into the minds of the American people, war might have at any time broken out between this country and the United States, and once such a war commenced who could say where it would end? You have in Canada the Guards, the flower of our army; you have there, troops not only bearing the prestige of the Royal name, attached personally to the Sovereign, but counting amongst their members the scion of the nobles and the best blood; and what is nobler and better still, the annals of these regiments are illustrated by deeds of glory and heroism achieved at Waterloo and in the Crimea. But what was the position of these men during all this time? If war had unexpectedly broken out, Col. Jervois tells you, the only council you could have given to them, could have been to fly as fast as possible to their ships; to leave Canada, and take refuge in this country.<sup>11</sup>

*Mr. W. E. Foster:* We all know that a Statesman who is not only respected by his own party, but by Members sitting on this side of the House, has taken occasion to express fears of an immediate war with the United States in a more urgent manner and with a much less conciliatory spirit than the Hon. Gentleman, the Earl of Derby in the House of Lords. "Order" - Well! When eminent statesmen in the position of Lord Derby come forward and express their fears in such language as this, can we wonder that they are felt throughout the country.

*Mr. Oliphant:* It was perfectly true that Fenianism had its origin in America. But then it should be borne in mind that it originated out of the policy pursued by this country toward America. In other words if there were no outstanding claims between England and America, Fenianism would cease to exist.<sup>12</sup>

Possibly the best evidence that the Fenians were neither catholic nor Irish is that when a convict was released he was sent back to his own country.

11. *Ibid.*, pp.1027-1028.

12. *Ibid.*, p.1040.

When Great Britain belatedly and reluctantly agreed to a board of arbitration to be composed of ten men (five to be appointed by Great Britain and five by the United States, with an outstanding personage as arbitrator, to be chosen later), then those arrested for creating disturbances in Ireland received an unconditional release. This was refused by those convicted until they were assured that their passage would be paid back to New York.<sup>13</sup>

*Lord Oramore and Brown:* But the other day when Her Majesty's Government sent the Fenian convicts In State Cabins to America, the Congress passed an address of sympathy and congratulations to them and the President gave them a public reception.<sup>14</sup>

The Fenian organization and the Bill for the admission of the provinces of Canada as states and territories of the United States of America had served the purpose for which they were originated, and we hear no more of them. However, neither were an idle threat. Ten thousand troops were encamped at Buffalo ready to cross Lake Ontario in case Great Britain refused to submit their differences to an impartial Tribunal of Arbitration.

Sir John A. Macdonald and George Etienne Cartier were now enabled to proceed with their delegations to present the Quebec Resolutions to the House of Commons, Leaving the end of November they arrived in London on December 3, 1866.

As the year 1870 closed the outlook for Great Britain was grave indeed: if the United States persisted in its threats to annex Canada, the War Office was convinced that Canada could not be defended against a force from the United States.

If this could not be prevented then Russia and the United States together would control the world from the shores of the Baltic Sea to the Atlantic, and furthermore the entire Western Hemisphere would be their sphere of Influence.

In the House of Lords Lord Derby stated his opinion that war with the United States was inevitable.

No time was now lost in appointing the members who were to represent Great Britain on the Tribunal of Arbitration to convene in Washington in May of 1871 .

So far our narrative has been to relate from documents the relationship between the British government and the government of the United States. How about Canada? Canada is a vast country with resources estimated by reliable engineers as exceeding the natural resources of the United States.

Most economists would agree that the country with the greatest resources could best sustain the largest population.

Canada, however, is a colony. Let us suppose that instead of being a colony she had been an independent nation for the past hundred years and the United States were the colony of Great Britain for the same period, then the larger population would be in Canada and the lesser in the

13. *Ibid.*, p. 1049.

14 *Ibid.*, Vol. 206, p.734.

United States. I think most would agree. The unanimous conclusion of the British Parliament was that dark clouds of war obscured the national horizon.

What to do was the question. Some solution had to be found. War with the United States, in which Canada would either become independent or become a part of the United States, was a disaster too fearful to contemplate.

The solution to this dilemma was to enact the British North America Act, to keep Canada as a colony; and then to convene or rather to appoint representatives to an impartial Board of Arbitration instructed to reach an agreement with the United States.

Lord Campbell in the Lords and Mr. Adderly in the Commons almost gave the show away.

Lord Campbell said: "It would scarcely be possible to break the artificial unity we now propose to organize."

In the Commons, Mr. Adderly said: "The Act is designed to strengthen the hands of the Governor-General as much as possible.

The Act previously passed by the Lords was assented to by the Commons on March 29, 1867, to become effective in Canada on July 1, 1867.

In the meantime a petition was circulated in Nova Scotia and signed by 30,000, a third of the voting population, "That Nova Scotia be relieved of this measure, or that a Royal Commission of inquiry be appointed."

Delegates were appointed, headed by Joseph Howe, to present this petition to the British Parliament.

John Bright (member for Birmingham) presented this to the House of Commons, where it was rejected. Nova Scotia was compelled against her strongest protests to become a member of the united colony, called the Dominion of Canada.

*As the delegation left England, Joseph Howe said: "We go home to share the perils of our native land, in whose service we consider it an honor to labor and whose fortunes in this, the darkest hour of her history, it would be cowardice to desert."*

Regarding the Board of Arbitration whose decisions were incorporated into the Treaty of Washington, May 8, 1871, it will doubtless be conceded that if the United States were compelled to relinquish equal rights to navigation of the Mississippi River, or if Britain were compelled to relinquish equal rights to navigation of the Thames, it would be sufficient cause to declare war.

Yet Canada was compelled by the terms of this Treaty to relinquish equal rights to navigation of the St. Lawrence, where it traverses the Province of Quebec; to relinquish the territories of the Lake of the Woods, Point Roberts and the San Juan Islands; and to grant equal rights for ten years to the fisheries.

Twenty-two years after the British North America Act was passed in 1867, the British Parliament itself admitted, when it enacted the Interpretations Act in 1889, that the Act of 1867 was an intentional misrepresentation of fact: "The expression Colony shall mean any of Her Majesty's Dominions (exclusive of the British Islands and of British India)

and where parts of such Dominions are under both a Central Legislature and local legislatures, all parts under the Central Legislature shall for the purposes of this definition be deemed to be 'One Colony'," As Canada in 1889 was the only Dominion with a central legislature and local legislatures, the inference is obvious, Canada was a colony.

Although it is admitted that Canada has enormous resources and could support a large population, the meager citizenship is due to the policy of the Colonial Office.

Since Canadians are not permitted to vote as Canadians, 3,508,730 have emigrated to the United States.<sup>16</sup> Statistics are not available for other countries.

This exceeds the entire population of the two largest cities in Canada, Montreal and Toronto.

In a survey in 1935 it was noted that 98 percent of the druggists of New York State were Canadians.

In the maritime provinces, farms were for sale for less than the cost of the buildings, as there were left not enough young people to farm the land.

Naturally the most ambitious, the most intelligent and the best educated emigrated. Canadians rank high among the leaders in art, the sciences and in industry.

Estimates are that it costs \$10,000 to feed, clothe and educate a young man until he is able to support himself. At this rate it has cost Canada some \$35,087,300,000 for the Canadians who have emigrated to the United States.

This is what the writer meant in the opening paragraph of this chapter - the Civil War cost Canada more than the combined losses of the North and South.

Various acts have been passed by the British Parliament regarding Canada. It can be said without fear of contradiction that there is nothing in the Quebec Act (1774), the Constitutional Act (1791), the Union Act (1840), or the British North America Act (1867) to alter in any essential respect the colonial relationship or to weaken the headship of the Crown in Chancery. And there is nothing in any of these acts to alter in any essential respect that cardinal principle of British policy: the supreme legislative authority of the British Parliament over and throughout the Empire.

It will be noted that our trusty and well-loved Sir John Alexander Macdonald had been appointed one of the high Commissioners to be representative of Great Britain on the Tribunal of Arbitration to settle the claims of the United States regarding the depredations of the privateers.

In ten days of August, 1864, the *Chickamauga* and the *Tallahassee* sank thirty-three merchant ships in the shipping lanes leading from Halifax, Nova Scotia, and St. John's, New Brunswick.

Although these were American vessels, they were engaged in carrying the produce of the maritime areas to the West Indies.

Public feeling was enraged at these sinkings. Meetings were called and delegates appointed to a conference to be held in Charlottetown, Prince Edward Island, September 1, 1864.

16 Department of Immigration, Table 13.

A resolution was put that the three maritime provinces form a federal union. Before it was acted upon the conference was joined by delegates from Quebec and Ontario. Among them was John A. Macdonald, Attorney-General of Ontario, and George E. Cartier, Attorney-General of Quebec.

They suggested that the meeting be adjourned to meet in Quebec in thirty days, which would provide time to appoint delegates from the other British colonies in North America who would all be in favor of forming a larger federal union.

As arranged, the delegates were convened in Quebec City, and the Quebec Resolutions, dated October 10, 1864, were drafted to provide for a federal union.

Fourteen delegates were appointed to present the Resolutions to the Imperial Parliament, with John A. Macdonald and George E. Cartier as joint-chairmen of the delegation.

In the meantime the Fenian raid in Ontario disrupted their plans, and it was not until December 3, 1866, that the delegates were convened in the Westminster Palace Hotel in London.

They sat until December 24 and adjourned for the Christmas holidays.

When they re-convened in January, 1867, the Earl of Carnarvon, Secretary of the Colonies, acted as chairman.

Great Britain now faced the most crucial decision which had arisen in the past hundred years. The government was on the horns of a dilemma.

What to do was the question. If the United States annexed Canada, and it was admitted Britain could not defend the boundary of Canada, Britain would still have to pay the indemnity demanded by the United States for the loss of her Merchant Marine. This was ruinous. *If Britain conceded to Canada the right to form a federal union, this would mean that Canada would have a democratic government on a par with the United States.*

*This was unthinkable. Canada would most probably join with the United States against Britain. This would be worse.*

*The feeling was that Britain had to retain Canada as far as possible to satisfy the claims of the United States; therefore, Britain would be compelled to buy off John A. Macdonald.*

Before emigrating to Canada, John A. Macdonald had started his schooling in Scotland. He was now fifty-four and a widower. Naturally he was elated when the Rt. Hon. Montague Bernard invited him to his home to meet a number of the titled nobility.

He was wined and dined and lionized by the elite and soon engaged to be married to Susan Agnes Bernard. They were married February 16, 1867.

What man of fifty-four would or could resist attentions showered upon him by a young and titled lady who had consented to be his bride?

His future brother-in-law now found John sufficiently softened up to be not invulnerable to the explanations and suggestions he would make to him.

He explained that because of the likelihood of war with the United States, in which no doubt a number of Canadians would be killed, it would be impossible for the House of Commons to accede to the request of Canada for a federal union.

How would it be if John would first use his best endeavors to settle with the United States before pressing for a federal union? John would be made a member of the Tribunal of Arbitration, he would also be appointed Premier of Canada by Lord Monck, the Governor-General; be made a member of Her Majesty's Imperial Privy Council; and have a title. John yielded.

Years later when a new Governor-General asked John if he had a list of names to be honored upon Her Majesty's birthday, he wrote "... honors should be granted only for a service performed for the Imperial Government ... All these honors were conferred upon myself and the other gentlemen on account of the prominent part we had taken in carrying out the Imperial policy...".<sup>17</sup>

The plan for a federal union or a confederation of the provinces was set aside. There is no historic fact nor is there any law or agreement to support the stories of confederation.

When the troops were encamped at Valley Forge, had George Washington, Benjamin Franklin, and John Hancock accepted titles from the King and relinquished the idea of a federal government for the New England states, then we would have had a parallel to the situation in Canada.

The fairest thing which can be said of the Rt. Hon. Sir John A. Macdonald is that he would be more at home in the company of Benedict Arnold than he could be in the presence of such men as George Washington.

Following is the recorded document granting full power to the five representatives to the Tribunal of Arbitration,

Victoria R:

Victoria, by the Grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith ... To all and singular to whom these Presents shall come, Greeting. Whereas, for the purpose of discussing in a friendly spirit with Commissioners to be appointed on the part of our Good Friends, the United States of America, the various questions on which differences have arisen between Us and Our said Good Friends, and of treating for an Agreement as to the mode of their amicable settlement, We have judged it expedient to invest fit persons with full power to conduct on Our part the discussions in the behalf. Know ye, therefore, that We, reposing a special trust and confidence in the wisdom, loyalty, diligence, and circumspection of Our right trusty and right well-loved Cousin and Councillor George Frederick Samuel, Earl de Grey and Ripon, Viscount Goderick, a Peer of Our United Kingdom, President of Our Most Honourable Privy Council, Knight of Our Most Noble Order of the Garter, ... of our right trusty and well beloved Councillor Sir Stafford Henry Northcote, Baronet, a Member of Parliament, companion of Our Most Honourable Order of the Bath, ...

Our Trusty and well-beloved Sir Edward Thornton, Knight Commander of Our Most Honourable Order of the Bath, Our Envoy Extraordinary and Minister Plenipotentiary to Our Good Friends, the United States of America, ... of Our Trusty and well-beloved Sir John Alexander Macdonald, Knight Commander of Our Most Honourable Order of the Bath, a Member of our Privy Councillor Canada, and Minister of Justice and Attorney-General in Our Dominion of Canada, ... and of Our Trusty and well-beloved Montague Bernard, Esquire, Chichele Professor of International Law in the University of Oxford: Have named, made, constituted, and appointed, as We do by these presents name, make, constitute, and appoint them Our undoubted High Commissioners, Procurators, and Plenipotentiaries; Giving to them, to any three or more of them, all manner of power and authority to treat, adjust, and conclude with such Minister or Ministers as may be vested with similar power and authority on the part of Our Good Friends, the United States of America, any Treaties, Conventions, or Agreements that may tend to the attainment of the above mentioned end, and to sign for Us and in Our Name, everything so agreed upon and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work, in as ample manner and form, and with equal force and efficacy, as We Ourselves could do if personally present; Engaging and promising upon Our royal word that whatever things shall be so transacted and concluded by Our said High Commissioners, Procurators, and Plenipotentiaries shall be agreed to, acknowledged, and accepted by Us in the fullest Manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or to act contrary thereto, as far as it lies in Our Power.

In witness whereof We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand. Given at Our Court at Windsor Castle, the sixteenth day of February, in the year of Our Lord One Thousand Eight Hundred and Seventy-One, and in the Thirty-fourth year of Our Reign.<sup>18</sup>

It was mutually agreed:

1. That Great Britain tender the United States an apology.
2. That Britain pay a direct indemnity of \$37,500,000.
3. That Britain pay for shipping sunk, to be determined by an Admiralty Court sitting in New York City, \$225,000,000.
4. That Britain grant the United States equal rights with British subjects of the fisheries on the Grand Banks for ten years.
5. That Britain grant equal rights to the navigation of the St. Lawrence River through Quebec to the Gulf of St. Lawrence in perpetuity.

18. *Parliamentary Debates*, Vol. 204, p.2046.

6. That boundary disputes be decided in favor of the United States (Lake of the Woods, Point Roberts, etc.)
7. That the ownership of the San Juan Islands be decided by the Emperor of Germany (the arbitrator).

On October 21, 1872, Emperor William of Germany decided that the San Juan Islands should belong to the United States and that another \$15,000,000 be paid for the expenditures incurred by Federal cruisers in chasing the privateers.

It will doubtless be conceded that when Emperor William of Germany acted as the arbitrator in this dispute, he never thought that within fifty years the principals in this affair would become allies to make war upon his country and to drive his grandson to exile in Holland.

Viscount Bury, M.P., said of the apology:

A national expression of regret is an Act of the gravest importance. If England had been clearly in the wrong an expression of regret would be consistent with her dignity. It has not hitherto been usual for nations of the highest rank to apologize for acts which they never committed. The same Englishmen who offered the apology framed the British case. The case is an elaborate statement that Britain is in the right. It is hard to escape from this dilemma. Either the apology-was unnecessary for the English case is a tissue of mis-statements.

Never have so many known so little about so much.

## **CHAPTER SEVEN - OVER VIEW**

This chapter only needs a very short over view because it spells out very clearly some of the things presented in this book.

There was a very knowledgeable group of men appointed to review Canada's position right after the statute of Westminster was passed, at a time when, the people, the parliamentarians were very knowledgeable about the happenings. The 35 men on this committee presented their work to the House of Commons in Ottawa on February 26, 1935.

In my opinion, we have followed the unwise path illustrated by Dr. Skelton, the under Secretary of State for External Affairs, who says in part "It is not safe to leave the question open and ambiguous indefinitely, for at any time a dispute on a concrete issue may arise. To retain permanently the intervention of the parliament of the United Kingdom is either superfluous or dangerous." He also said no other country in the world looks to the parliament of another country for the shaping of its constitution etc.

I agree with what Dr. Beauchesne, Clerk of the House of Commons, said and recommended, He said it in 1935, I have said it in 1980-81-82: What we need is an elected constituent assembly to draft and ratify a constitution, and if all of Canada won't do it, then we in Alberta together with the other 3 most westerly provinces (Manitoba, Saskatchewan and British Columbia) should. We should now form a confederation or region and then demand a confederation of regions, If that request is absolutely and irrevocably denied then let's go it by ourselves, because we the people own the land by Eminent Domain, and as such we are independent of all action from without, paramount over all action within.

We therefore, as westerners, can become the authors of our own destiny.

## **THE FACTS**

### **THE BRITISH NORTH AMERICA ACT, 1867**

Following is a synopsis of evidence presented before the special committee convened to investigate the British North America Act at the House of Commons, Ottawa, February 26, 1935, F. W. Turnbull was Chairman.

Excerpts are taken from the evidence of:

Dr. O. D. Skelton, Under-Secretary of State for External Affairs.

Dr. Maurice Ollivier, K.C., Joint Law Clerk, House of Commons.

Dr. W. P. M. Kennedy, Professor of Law, University of Toronto.

Dr. Norman McL. Rogers, Professor of Political Science, Queens University.

Dr. Arthur Beauchesne, K.C., C.M.C., LL.D., Clerk of the House of Commons.

Dr. Skelton, Under-Secretary of State for External Affairs:

Now it might be said, why not trust to growth of convention or custom for the necessary changes in our Constitution? The obvious answer, I think, is that the process is too slow, and is applicable only in cases where unanimity has been reached.

No other country in the world looks to the Parliament of another country for the shaping of its constitution. This solution could only be supported if we believe that Canadians are the only people so incompetent that they cannot work out a solution of their constitutional problem, and so biased that they alone among the peoples of the world cannot be trusted to deal fairly with the various domestic interests concerned.

It is not safe to leave the question open and ambiguous indefinitely, for at any time a dispute on a concrete issue may arise.

To retain permanently the intervention of the Parliament of the United Kingdom is either superfluous or dangerous.

Dr. Ollivier, Joint Law Clerk of the House of Commons:

Further, our Constitution is a law adopted by the British Parliament exercising its incontestable right of sovereignty toward its Colonies. This explains the fact that the British North America Act is not a reproduction of the Quebec Resolutions ... England was free to agree to the resolutions or to disregard them entirely.

Dr. Kennedy, Professor of Law, University of Toronto:

I think we have got to get away from the idea that the British North America Act is a "Contract" or "treaty". I do not want to go into that, but it is true neither in history nor in law. The British North America Act is a Statute and has always been interpreted as a Statute.

Suppose now we assume that it is necessary to have constituent powers in Canada, powers to change the Constitution, I approach that problem from two angles ... First of all, I want to break the British North America Act up. We have got to ask ourselves, is the dead hand of the past to be constantly laid with numbing effect on the body politic, That is really what it amounts to ... If we, in Canada, are not capable of interpreting our own Constitution, we should not have a Legislature at all.

Dr. Rogers, Professor of Political Science, Queens University:

I am thoroughly convinced that the British North America Act is not a pact or contract either in the historical or legal sense.

*Question by Mr. Cowan:* You get back to this; your start is another interprovincial Conference

*Answer:* I am afraid it is. I see no feasible alternative.

*Hon. Mr. Lapointe:* There is no doubt about it.

Dr. Beauchesne, Clerk of the House of Commons:

It is quite true that if we apply to the British North America Act the principles followed in the interpretation of Statutes it is not a compact between the Provinces; it is an Act of Parliament, which does not even embody all the resolutions passed in Canada and in London prior to its passage in the British Parliament, where certain clauses that had not been recommended by the Canadian Provinces were added ... The Statute of Westminster has altered our Status ... What we want is a new Constitution.

The new Constitution must leave nobody with a grievance. A spirit of conciliation should predominate. For these reasons, the task must be entrusted to an independent body, in which all the elements of the country will be represented.

I want the assembly to sit in a City in the West. It would not be necessary for a delegate to be a Member of Parliament or a Provincial Legislature. I would suggest that the assembly do not sit in Ottawa, in order that it may not have the appearance of being dominated, or even influenced by the Dominion power; and, as the Western Provinces are of such paramount importance in the country, I suggest the best City for the representatives to gather in would be Winnipeg.

Whether our country should be changed from a Dominion to Kingdom is also a subject which might be discussed. I would suggest that the country could be called "The Federated States of Canada".

There have been many disputes about Provincial rights since 1867 and it seems certain that when a new Constitution is drawn up the distribution of Federal and Provincial powers will have to be modified.

I submit that appeals to the Privy Council should be dealt with by our Constitution. This method would preserve the principle of taking our case to the highest tribunal without going out of our own country.

If you will allow me, Mr. Chairman, I will just make another suggestion: if we have a constituent assembly and if we discuss the making of a new constitution, I think it is an anomaly that Dominion affairs should, to a certain extent, be subject to Provincial authority. I would suggest that we have a Federal District, taking in about 25 square miles on each side of the Ottawa River.

**I would not have any minority rights discussed. There is nothing more dangerous in Canada than a discussion of minority rights. A discussion of them would wreck the whole Constituent Assembly.**

I think the time is ripe for a change in the Constitution. I do not think you would need much publicity in order to draw the attention of the people of this country (to the fact) that the British North America Act is inadequate.

\* \* \* \* \*

Mr. R. Roger Smith said: As one who has had lengthy discussions with all those who had submitted their finding to this Commission, as well as with F. W. Turnbull, K.C., and the Hon, Ernest Lapointe who were members of the panel, I consider it apropos that remarks made when the Act was passed be included in this chapter.

It should be noted that all of those who submitted briefs to the Commission were members of the Dominion Government, and could have gone much further, if they had not been restrained by the positions they held, or shall we say by the remuneration they received.

The British North America Act did not constitute the Dominion Government. The Dominion Government was constituted by Sessional Papers 18, drafted and signed by Yorke and Yorke, and to be found in the Dominion Archives. Mr. Adderly said in the House of Commons: "The Act is designed to strengthen the hands of the Governor-General as much as possible." This remark was made, no doubt, to quiet the fears of the members that Canada would be self-governing.

The Quebec Resolutions open by stating: "The best interests and present and future prosperity of British North America will be promoted by a Federal Union ..."

Mr. Adderly's statement therefore shows that not only is the Act not a reproduction of the Quebec Resolutions, but is diametrically opposed to any idea of self-government.

Lord Campbell added his bit in the House of Lords when he said, "It would scarcely be possible to break the *artificial unity* we now propose to organize." Professor Norman McL. Rogers (afterward Minister of Labor) said, "There was no Confederation." Hon. Ernest Lapointe agreed with him. Dr. Beaudesne also agreed when he said, "... it is not a compact between the Provinces." He further stated that "I could suggest that we have a Federal District, taking in about 25 square miles on each side of the Ottawa River." Why?

Dr. Arthur Beaudesne was the foremost constitutional authority in Canada and the author of *Beaudesne's Parliamentary Rules and Forms* by which all members of the Commons and Senate are governed in their conduct, their deliberations and their speeches, He knew that there could not be any sovereignty without the ownership of land. Those who own the land make the law of the land.

Prior to 1931, Great Britain owned the land and leased it to the provinces. In the Statute of Westminster of December 11, 1931, Britain grants to the provinces (not the Dominion) the exclusive ownership of the land. The sovereign power exercisable by the British Government until 1931 is now exercisable by the provinces. (This is explained in Chapter 8, *The Statute of Westminster*)

In order to enact laws which can be enforced the Dominion Government must own enough land on which to erect a flagpole.

At present the Parliament buildings in Ottawa are as much a possession of Ontario as any other asset within the boundaries of Ontario. Would a flag erected on a flagpole in Ottawa not be a possession of Ontario?

In order to comply with this fundamental law, the United States, Australia and South Africa have granted land to the central authority. The only people today who cannot enforce a law are the Gypsies; they own no land. The Dominion is in the same category.

In the Foreward we quoted the definition of *Eminent Domain* from James Cacroft's *Encyclopedia of American and British Law*. The British Government was the source by which the Dominion governed until 1931. The Provinces of Canada have not yet reached an agreement whereby the necessary power rising from "the unrestrained ownership of land" can be transferred to the Dominion.

How important is this power may be gathered from the experience of the United States. Each state, being independent, was reluctant to relinquish all sovereign rights over its lands to a supreme power. The states compromised by granting to the central government a small state, the District of Columbia, They thereby granted to the central government to power to exercise the right of eminent domain on behalf of the nation, retaining each severally the right of eminent domain over the lands within the boundaries of their own respective states.

The Federal government has the sovereign power in the United States. This power was conferred by the thirteen states which formed the Union, drafted the Constitution, and donated the land which is the District of Columbia.

Mexico City is the federal district of Mexico, Rio de Janeiro of Brazil, Santiago of Chili, and Buenos Aires of Argentina. Venezuela has Brazilia and the Federal District of Caracas.

We all know that the western farmers are both deaf and dumb, but living amongst the Indians they understand sign language.

If then it should ever percolate into their consciousness that the stories of Confederation are a myth and that their property is not considered an asset in the security of the bonded national debt, they may decide to let Ontario and Quebec keep the Parliament buildings and also pay the interest on the bonds.

Before Mr. Dunning resigned as Minister of Finance and also resigned his seat in the House of Commons, he said, "No securities issued by this Dominion constitute a mortgage upon any of the business assets of the Dominion."<sup>1</sup>

The next three Ministers of Finance also resigned: Mr. Ralston, Mr. Isley and Mr. Abbott.

Ontario and Quebec seem to get along together; at least neither have changed anything pertaining to their prospectives in the last hundred and fifteen years.

1. Hansard, February 16, 1939.

Neither of them could or would have any foundation (in the absence of an agreement) to object to the western provinces forming a federal union.

It will be noted in the excerpts from the text of the Act which follow that the Act itself does not create a government.

It states in Section 11 that there shall be a Council to aid and advise, appointed by the Governor-General, who can remove them and appoint others.

"An order in Council has the same force and the effect as an Act of Parliament."

Section 12: "The Governor-General can issue an Order in Council individually as the case requires."

Sections 14 and 58 provide a means whereby the Governor-General may appoint lieutenant-governors of the provinces.

The Act provides that the Governor-General has the power to appoint senators (2d) and issue writs for the election of a House of Commons (88).

The Act is (as Mr. Adderly stated) "designed to strengthen the hands of the Governor-General as much as possible."

Canada could not have two central governments. As has been previously stated, the Governor-General is constituted as the sole government of Canada by Sessional Papers 18. This is recognized by the Governor-General's Act, Chapter 85 R.S.

**The first page of the British North America Act was deleted after passing the House of Lords and before it was assented to by the Commons. This page states: "By reason of the request of the Colonies for Federal Government. It is expedient therefore that they have laws and regulations to guide them."**

Here we have the reason for and the purpose of the Act.

If this page had not been deleted, Canada would ere this have formed a Federal Government.

We did not Federate in 1867, and the Governor-General was a corporation sole until the Statute of Westminster was enacted. What are we now? We certainly are not a confederation, as there has been no confederation since that date. The authority was given to the provinces. They were made equal with Great Britain. The power went to the provinces. Ottawa was never a province or a colony. How did it get authority? It was only a committee of men, half appointed and half elected, to aid and advise the Governor-General.

Now there was no accredited Governor-General and no need for a committee to aid and advise him.

The provinces are Sovereign and will remain so until we the people, through our Provincial Governments, create a country.

## CHAPTER EIGHT - OVER VIEW

I believe as we start this chapter I should mention something about the picture of the Fathers of Confederation. As you look at that picture you will see a face, which seems to be amongst the curtains on the left hand side, that face has sharper features than the rest. That is the brother-in-law to Macdonald. The British Privy Council member who introduced John Macdonald to Susan Agnes Bernard, his sister, whom John married. He is in that picture although he arrived in Canada three years after the picture of the original so-called Fathers of Confederation was taken. How did it get there? Maybe a picture imposed and then a picture of a picture. That would not be any worse than other things which we can prove. Deceit even to forging a picture. See appendices at the back of the book.

The first resolution presented to the 1926 Imperial Conference was by the Right Honourable William Mackenzie King Prime Minister of Canada. Britain during its several Imperial Conferences with its colonies was in the process of upgrading some of their colonies and Dominions to equal states with Great Britain. In other words dissolving the British Empire and creating "the Commonwealth of Nations". All these conferences set the stage for the Statute of Westminster December 11, 1931. When finally Canadians were given the legal right to confederate or create a Federal Union, something they had asked for in 1867, I would like you to refer to pages 1 to 6 of Lord Monck's letter to Cardwell, we *now qualified*. We were now free and independent and possessed the qualities necessary for such a union or federation.

The deceit continues, but now not by Great Britain and London but by Ottawa and the Canadian politicians, R. B. Bennett and Mackenzie King.

They had been involved in the Imperial Conferences and it was the Canadian politicians who insisted that section 7- (1) be inserted into the Statute of Westminster. Let us then look quickly at what Britain put in that section. They made this British Statute binding on Britain, or at least legalizing everything done under that act and in my opinion determined the beginning and ending dates. They said - Nothing in this act shall be deemed to apply to the repeal, amendment or alteration of the British North American Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

It was their act, not a Canadian act, they legalized everything they had done by authority of their act, and put a starting and ending date.

What Bennett and King wanted was to make it appear as a continuing act to control Canadians, and subsequently it was to become more than a British Act of Parliament, which Lord Monck had earlier said was the only way the colonies could be united. Bennett and King and Canadian parliamentarians began referring to it as our Constitution.

**There are several ways a country can get a constitution but in a free, democratic nation there is only one way it should be done, and that is as Beauchesne said - by a "Constituent Assembly" made up of people, elected from and by the people for that specified purpose. Once the drafting is finished it should be ratified by the people. That is the correct democratic way in a freedom loving and people controlled country.**

**Some of the wrong ways is by a conquering army and they impose the constitution of the country from which the army came. Another way of installing a constitution is by a dictator or a scheming group of politicians without consulting the people, or the parliaments of the people in the provinces.**

**Suffice I think to say we certainly were not given a chance to draft and ratify our own Constitution since 1931. The Politicians have imposed the old dusty B.N.A. Act, Trudeau's Charter of Rights and the Agreement by 9 men, without the authority and without debate in the provincial or our parliaments. To top it off none of them had been authorized by even an election, to do what they did. We never authorized them, nor did we ratify it and it has no legal basis according to British Law.**

Mr. R. Roger Smith who was a member of the Native Sons of Canada, prepared the first Resolution presented by Mackenzie King at the 1926 Imperial Conference, I am including his own comments and the resolution in the facts of this chapter. But before I do that I believe I should tell you what was said by Mr. J. H. Thomas the Secretary of-State for Dominion Affairs as he presented in the British Parliament the Statute of Westminster for second reading he said: I beg to move that the Bill be now read the second time. Page 1174 orders of the day November 20, 1931.

*The Bill which I presented to the house today is, in a sense, the most important and far reaching that has ever been presented to this house for several generations. It marks the end - of a long road which had its beginning when parliamentary constitutions were first established in the overseas Dominions of the Crown, three centuries ago. It marks the culmination of a process of constitutional development which began long before the war:*

**The eligible (now to be self-governing provinces as far as Britain was concerned) were; Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan, Alberta and British Columbia. These colonies by the Statute of Westminster became sovereign, each in their own right.**

**Ottawa had never been a colony, it was the city where the Governor General lived, and his committee of men half elected (the House of Commons) and half appointed (the Senate) and they paid rent for the buildings. The Governor General and his committee of men were constituted and authorized by the B.N.A. Act which was in force from 1867 to 1930.**

**Upon the passage of the Statute of Westminster, all provinces (or former colonies) became sovereign, self' governing and independent, and by Eminent Domain have a future right to stay Independent, Federate or form a union and none were or are superior to the others.**

**Ottawa was not a colony, did not own enough land to erect a flagpole. They never had Eminent Domain.**

**Imagine Rene Leveques' surprise when the Supreme Court (another institution created by Ottawa) finally got around to telling him after 115 years, that Quebec had no special status or veto power, Of course Trudeau now says that he will take care of that and Clark and Broadbent will joyfully agree and our Provincial Conservative Government which**

**must and does agree and have the same philosophies as the National Conservative party will say, me too – unless we forbid it.**

Now for the Facts.

## **THE STATUTE OF WESTMINSTER**

Mr. H. Roger Smith said in 1965, "For many years I have had much to do with the question of the right of Canada to self-government. It is almost forty years since I drafted the following Resolution, the original of which is in the Parliamentary Library in Ottawa.

This Resolution, the first to come to the attention of the Imperial Conference, in 1926, was presented by the Rt. Hon. William Lyon Mackenzie King, Prime Minister of Canada, without amendment or alteration and after being seconded by Premier Hertzog of South Africa. It was unanimously adopted by the assembled delegates from Australia, New Zealand, South Africa, the Irish Free State and Newfoundland.

This Resolution, together with another short Resolution presented to the 1930 Conference by the Rt. Hon. Richard B. Bennett, Prime Minister of Canada, to the effect that the "British North America Act should be retained by Canada," was drafted by the Parliamentary Secretary and the law officers of Parliament into legal terms in the sections of a Bill to be presented to Parliament. When enacted, the Bill was entitled "The Statute of Westminster" (December 11, 1931).

In the years that have gone by, the feeling of satisfaction which I experienced that all sections of the Resolution were incorporated into the Statute has been replaced by a sensation of profound regret that Canada has not taken advantage of her enhanced position. It is evident that either the Statute has not been correctly interpreted or that it has been purposely pigeon-holed."

### **Notes from the Imperial Conference of 1926**

As regards general principles, the report stated equality of status was the root principle governing Inter-Imperial Relations so far as concerned Great Britain and the Dominions, which it described as "Autonomous Communities within the British Empire", equal in status, in no way subordinate one to another, in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown, and freely associated as members of the "British Commonwealth of Nations". It pointed out, however, that the principle of equality of and similarity, appropriate to status, did not universally extend to function.

## **The First Resolution Presented to the Imperial Conference of 1926**

The following Resolution was presented without alteration by the Rt. Hon. Wm. Lyon Mackenzie King, and seconded by Premier Hertzog of South Africa.

THE DOMINIONS: that is to say, Commonwealth of Australia; the Dominion of New Zealand; the Union of South Africa; the Irish Free State and Newfoundland, did concur in the adoption of this Resolution in the Imperial Conference holden at Westminster in the year of our Lord nineteen hundred and twenty-six.

### **Resolutions from Assembly No, 2, Native Sons of Canada (Adopted September, 1926 - Preamble Omitted)**

BE IT RESOLVED: That this Assembly do herewith submit its views to the Right Honourable, the Prime Minister of Canada and his colleagues on the following matters of national concern, namely:

#### **1. SOVEREIGN STATUS:**

Recognizing this question as being of outstanding and paramount importance, this Assembly urges upon the Government of Canada the necessity of elevating CANADA constitutionally to the dignity and status of a NATION, with international recognition, enjoying SOVEREIGN RIGHTS AND POWERS, under the CROWN, and thereby confer on Canada an equality of Status with Great Britain, together with all the advantages incident thereto now exclusively enjoyed by Great Britain as the only sovereign nation in the British Commonwealth.

No subject that may come before the conference can possibly approach this question of status in importance. Our objective should be clear and unambiguous, an absolutely equal and independent sovereignty under the Crown of Canada, internationally communicated and internationally recognized.

#### **2. IMMIGRATION:**

This Assembly is unalterably opposed to assisted Imperial immigration in any form, and in particular is opposed to a Policy designed to unload on Canada immigrants from Great Britain as alleged settlers, who are mentally, morally and physically unfit, thereby tending to lower the high standard of Canadian Citizenship.

We hereby urge on the Government of Canada the need for closer restriction rather than relaxing the tests and standards for admission to Canada.

In this connection, this Assembly respectfully begs to draw the attention of the Prime Minister and his colleagues to the pernicious and incessant Imperial propaganda constantly issued both in Great Britain and in Canada, which is aimed at unloading deserters and other undesirables into Canada, with the designed object of relieving the British taxpayer at the expense of the Canadian taxpayer.

This Assembly CONDEMNS such anti-Canadian propaganda as being distinctly inimical to the national welfare of Canada.

We emphatically declare that the question of Immigration into Canada is, by terms of British North American Act, exclusively CANADA'S OWN BUSINESS, that it is not an Empire matter, that it is not a partisan or political matter as the Bishop of London suggests, that it is entirely a matter at present of administration, and that all CANADIANS, irrespective of party, approve of the intent and purpose of the present Canadian Immigration Act in respect of its broad principles. We declare our resentment and indignation at the persistent anti-Canadian campaign, emanating from Imperial quarters, to offset, and overcome the present rapid growth of Canadian NATIONAL feeling by schemes of assisted Immigration of types that are unsuited to this country and foreign to its history and background.

We believe that the time has come when the long brooding sense of NATIONAL CONSCIOUSNESS is about to be realized, and that it is vital to the National interest that our national bloodstream should be conserved, and not diluted by the admission of elements that will weaken or delay our national unity or foster a divided loyalty. The present Canadian stock should be the basis in selection of all applicants for privilege of admission to Canada.

### **3. IMPERIAL DEFENSE:**

This Assembly is emphatically opposed to involving Canada in any schemes of Imperial commitments or engagements, which tend to devolve upon Canada any part of cost of any alleged obligation of so-called Imperial Defense.

### **4. CANADIAN RESOURCES:**

This Assembly is further opposed to any Imperial Scheme, proposal or policy, which would seek to appropriate Canada's, great natural resources as an Imperial asset, but on the contrary, holds to the view that such resources are exclusively the property of the Canadian people and should be at all times developed on broad lines of national policy for the primary benefit of Canada, and the Canadians.

## **5. GOVERNOR-GENERAL:**

This Assembly re-affirms its attitude previously expressed that the method of appointment of the Governor-General is ripe for a radical change more in consonance with national dignity; the appointment should be the completely unfettered act of the Government of Canada. The appointee should be a distinguished citizen of this country, In respect of personnel, and in respect of initiative of nomination, the present procedure is an expression of colonialism which should no longer be permitted to survive, Further, the channels of communication between the Government of Canada and any other country should be direct, via our Department of External Affairs.

We particularly object to the suggestion that in respect to the future appointments of Governor-Generals, the unanimous approval of other Dominions must be obtained before there shall be any change in policy.

## **6. PRIVY COUNCIL APPEALS:**

The decision of the Judicial Committee of the Privy Council in Rex vs. Nadeau is fraught with humiliation for the people and the Parliament of Canada. We cannot think it possible that Canada will rest satisfied with a decision that prevents her from dealing exclusively with her own laws, particularly in a matter of CRIMINAL PROCEDURE. Canadian statesmen who make speeches about Canada's "PROUD POSITION" as a "self-governing independent nation" cannot be aware of the terms and implications of this judgment.

This Assembly expresses surprise and regret that during the past Session of Parliament this matter was not even referred to by any Member of the two great parties in the House.

That decision stands as an effective barrier to the full development of Canadian National consciousness. We favor the entire abolition of appeals to the Privy Council.

## **7. LOCAHNO, WAR, NEUTRALITY ...**

This Assembly is convinced that so long as the present anomalies of Canada's status continue the advantages to Canada from participation in Imperial Conferences are largely negative. The Conference is built on a Constitutional fiction, that all the representatives meet as equals, The test - "What is Canada internationally?" is the true test.

And until Canada,-either by her own act, or by Imperial concession, attains SOVEREIGNTY as an independent nation under the Crown, with international recognition, her position in respect of Britain's Wars, neutrality, and her international relationships in general, will remain clouded and obscure. That position will be and remain, both constitutionally and internationally, that of a colonial status. Mere rhetoric cannot overcome this inescapable fact.

/s/ R. R. SMITH

**Note With Reference to Resolution Sent the Prime Minister  
Prior to the Imperial Conference of 1926 <sup>1</sup>**

Extract from Executive Minutes of September 1, 1926.

On motion of Conlin Reid, a resolution presented on behalf of Brother H. R. Smith was referred to the Resolutions Committee, The Assembly sent, on September 24<sup>th</sup>, the following wire to Prime Minister King:

Native Sons of Canada, Assembly No.2, begs to tender congratulations and to express its satisfaction that for the future relationship of the Crown, in Canada, to its Ministerial advisers shall be identical with its relations to its ministry in England. Forwarding by mail our submission on opinion on subjects likely to be considered as forthcoming Imperial Conference.

Compiled by D, H, Elliott  
Custodian of Records  
Assembly No. 2  
Native Sons of Canada  
1212 Melville Street  
Vancouver, B.C.

**The Quebec Resolutions were drafted October 10, 1864:**

"The best interests and present and future prosperity of British North America will be promoted by a Federal Union ..." This was debated in the legislature of the Provinces. The last debate before it was endorsed by the United Legislature of Upper and Lower Canada occurred March 13, 1865.

Three months later, on June 29, 1865, the Colonial Laws Validity Act was enacted by the British Parliament. This was done in order to show the colonial legislatures that they were not competent to enact any law or regulation which was repugnant to the law of England, and that as far as the Quebec Resolutions were concerned, they would not be approved by Parliament.

The Colonial Laws Validity Act, 1865, Section 61, reads:

1. The original of this paper is to be found in the Parliamentary Library, Ottawa.

. . and any proclamation purporting to be published by the authority of the Governor, in any newspaper in the Colony to which such law or bill may relate, and signifying Her Majesty's disallowance of any such colonial law, or Her Majesty's assent to any such reserved bill as aforesaid shall be prima facie evidence of such disallowance or assent.

This excerpt from the Act is, or should be, sufficient to show that the Governor had the power to say "No!"

In order to comply with Paragraph 1 of the 1926 Resolutions, referring to "National Status", it was necessary to state that this law would not apply to the Dominions which were convened in London in that year. But the Colonial Laws Validity Act was not abrogated. It is effective in those colonies which were not represented at this Conference.

### **The Statute of Westminster, 1931, 22 George V, Chapter 4**

An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930 (11th December, 1931):

WHEREAS the delegates to His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the Reports of the said Conferences:

And whereas it is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion:

And whereas it is necessary for the ratifying, confirming and establishing of certain of the said declarations and resolutions of the said Conferences that a law be made and enacted in due form by authority of the Parliament of the United Kingdom:

And whereas the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained:

Now, therefore, be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In this Act the expression "Dominion" means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule, or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

5. Without prejudice to the generality of the foregoing provisions of this Act, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

6. Without prejudice to a generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

7. (1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or to any order, rule or regulation made thereunder.

**(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.**

(3) The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively.

8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

9. (1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia.

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act that the Parliament of the United Kingdom should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent of referred to in section four shall mean the request and consent of the Parliament and Government of the Commonwealth.

10. (1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(2) The Parliament of any such Dominion as aforesaid may at any time revoke the adoption of any section referred to in subsection (1) of this section.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

12. This Act may be cited as the Statue of Westminster, 1931.

Sections 3, 4, 5 and 6 are readily understood and need no elaboration. Section 7, however, seems to be the stumbling block, mainly because the British North America Act is misinterpreted: "Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or to any order, rule or regulation made thereunder."

**Why? It is for the reason that the British North America Act was simply a guide to the provinces in creating a federal union.**

**The page which was deleted after being enacted by the House of Lords and before it was brought to the attention of the members of the House of Commons states: "By reason of the request of the colonies for Federal Government, it is expedient that they have laws and regulations to guide them."**

As this was the intent and purpose of this Act, there was no need nor reason that it should be repealed. Section 7, subsection 2 reads: "The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces."

Why do the provisions of Section 2 extend to the provinces of Canada and not to the States of Australia or to the States of South Africa? For the reason that the Commonwealth, or Federal Union of Australia, had been created by the States of Australia to be effective from January 1, 1901.

The States of South Africa had created the Federal Union of South Africa in 1909.

**As the lawyers who drafted the Statute of Westminster knew, and all constitutional authorities agree, that no confederation of the provinces had occurred, it was imperative that the provinces of Canada should have an equality of status with the Dominions, in order that they could convene a conference and create a federal union.**

**Section 2 page 87 therefore, reads as follows when applied to the Canadian Provinces:**

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by any of the Provinces of Canada, or to the powers of the *legislatures of such Provinces*.

**(2) No law and no provision of any law made after the commencement of this Act by the *Legislature of any Province of Canada* shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of the Parliament of the United Kingdom, or to any order, rule, or regulation made under any such Act, and the powers of any of the Provinces of Canada shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of *the law of such Province*.**

I know of no way in which independence could be conferred in more adequate language than that used to confer sovereignty upon the provinces of Canada.

It will be noted that Newfoundland is mentioned as one of the Dominions which has an equality of status no less than the others mentioned.

Today Newfoundland is one of the provinces of Canada. Is it to be held that Newfoundland holds a status superior to that of other provinces?

NO! Such is not the case. The provisions of Section 2 apply equally to each and every province, the same as Newfoundland.

Sections 8, 9 and 10 do not refer to Canada.

In order to understand Section 11, I will again quote Section 18 (3) of the Interpretations Act, 1889. It should be noted that twenty-two years after the British North America Act was passed Canada was a colony, and remained a colony until December 11, 1931, when her status was altered by the enactment of the Statute of Westminster.

**Section 18(3) reads: "The expression Colony shall mean any of Her Majesty's Dominions (exclusive of the British Islands and of British India) and where parts of such Dominions are under both a Central Legislature and local legislatures, all parts under the Central Legislature shall for the purpose of this definition be deemed to be 'One Colony'."**

**There is no intermediate status between a colony and a sovereign state. If the provinces are no longer colonies they are independent sovereign states.**

**This gives the lie to the stories of confederation.**

As a federal union is a "Union of Sovereign States mutually adopting a Constitution", it was essential that the provinces should be granted their independence and sovereignty in order that they could create a federal union.

Unless or until such a union is consummated, Canada is merely a geographical expression, not a political entity.

The original of the 1926 Resolution signed by Brother H. R. Smith, together with the affidavit signed by R. H. Elliott, Custodian of the Records of Assembly No. 2, Native Sons of Canada, is in the Parliamentary Library, Ottawa, Ontario.

## CHAPTER NINE

Knowing all the evidence presented here the Honourable R. B. Bennett issued a Commission to Lord Tweedsmuir dated 10 August 1935. You will find it below. In that Commission he reinstates (under his own apparent authority, although he said by His Majesty's Command) the March 23, 1931 Letters Patent, disregarding the Statute of Westminster and all its authority,

I find no document authorizing him to grant this Commission. Britain had a Limited Monarch, His Majesty could command nothing, and by this time we were Sovereign Provinces. Did the people, the Provincial Governments authorize him to do it? I find no evidence of that authority being given. It was never, to the best of my knowledge, printed in the Gazette.

He, in fact, put us back to where we were before the Statute of Westminster under a Governor General of his choosing - except it was not legal, it was subterfuge; smoke in the eyes and ears of Canadians. Over and above this, everyone except Walter Kuhl has deceived us. Read it and weep, and then let's do something.

Earlier I told you what Great Britain did to us; this is what Ottawa has done to deceive us.

*See reproduction of "Commission" on page 92.*

Mr. Walter Kuhl, a Social Credit MP in Ottawa representing the Jasper/Edson riding in Alberta for 14 years, a very knowledgeable man who has presented many of these arguments, a person whom I know and admire immensely, has the same views and he made several speeches in the House of Commons during his terms as an MP. He lives today in his home in Spruce Grove, Alberta. He and I have spent many hours discussing true Canadian history. It is fair to say that I have learned much from him.

I also think he inspired me to go to the Archives of Great Britain where I picked up thousands of photocopies of original documents, I presently have five rolls of microfilmed original documents and although I have not counted the pages they number into the thousands. It is from these documents and those I received from my father and the Western Canada Federation of the thirties, Mr. Walter Kuhl and Mr. R. Roger Smith, upon which I base my case. Following is a speech given by the Honourable Walter Kuhl in Ottawa as Member of Parliament from the Jasper/Edson Constituency. He challenged anyone to prove him wrong and no one did. When we win our rights, Walter Kuhl must receive his rightful recognition and be honoured as a real champion for people's rights in a democratic society.

*See reproductions of "Walter Kuhl's Speech" on pages 93 to 99.*

The speech on pages 93 to 99 was delivered in the House of Commons, Thursday, November 8, 1945.

*See reproduction of "Pertinent Clauses" on page 100.*

The Commission issued to Lord Tweedsmuir:

## COMMISSION

L.S.

George R.I.

Commission appointing the Right Honourable Lord Tweedsmuir, G.C.M.G., C.H., to be Governor General and Commander in Chief of our Dominion of Canada.

I)

Dated this 10th Day of August, 1935.

Recorded November 2nd, 1935.

George the Fifth, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas, King Defender of the Faith, Emperor of India; to our Right Trusty, and well Beloved John, Baron Tweedsmuir, Knight Grand Cross of our Most Distinguished Order of Saint Michael and Saint George, member of Honour Greeting.

We do, by our Commission under our Sign, Manual and Signet, appoint you, the Said John, Baron Tweedsmuir, to be, during our pleasure, Our Governor General and Commander in Chief in and over Our Dominion of Canada, with all the powers, rights, privileges and advantages to be the said office belonging and appertaining.

II)

And we do hereby empower and command you to exercise and perform all and singular the powers and directions contained in certain letters patent under the Great Seal, bearing the date at Westminster, the twenty-third day of March, 1931, constituting the said office of Governor-General and Commander in Chief, or any other Letters Patent adding to, amending, or substituted for the same according to such Orders and Instructions as our Governor General and Commander in Chief for the time being hath already received, or as you may hereafter receive from Us.

III) Commission dated the 20th day of March, 1931. Superceded.

And further, We do hereby appoint that, so soon as you have taken the prescribed Oaths and have entered upon the duties of your office, this, Our present Commission, under our Sign Manual and Signet, bearing date the 20th day of March, 1931, appointing the Right Trusty and Right Well Beloved Cousin and Cousellor, Vere Brabazon, Earl of Bessborough, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, formerly Captain in our Territorial Army, to be our Governor General and Commander in Chief in and over Our Dominion of Canada.

IV)

Officers, etc., to give obedience.

And we do hereby command all and singular our Officers, Ministers, and loving subject in our said Dominion, and all others whom it may concern to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court of Saint James, This 10th day of August, 1935, in the Twenty-Sixth year of our Reign.

By His Majesty's Command.

(Sgd.) R. B. Bennett.

This Commission was not and has not been "Proclaimed" in the "Canada Gazette".

# A DISTINCTIVE NATIONAL FLAG

## AND

### CONSTITUTIONAL PROBLEMS IN CANADA

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Mr. W. F. KUHL (Jasper-Edson): This resolution urges the expediency of Canada's possessing a distinctive national flag. I agree that an anomaly exists with respect to the matter of a Canadian flag, and I and my associates in parliament are in favour of removing this condition. But personally I consider that under the constitutional conditions prevailing in this country at the moment such action is premature. There are other and more important actions to be taken before it is appropriate to adopt a new flag.

The flag question is just one of the many anomalies which exist in Canada's constitutional position. Some of these have been referred to this afternoon. One of them, the matter of Canadian citizenship, is intended to be dealt with at this session. There are others, such as amendments to the constitution, appeals to the privy council, the power of disallowance, the matter of a federal district proper—and doubtless there are others. All these anomalies ought to be dealt with, and I am personally in favour of dealing with them at the earliest possible opportunity. But I consider that the present piecemeal method is improper as well as undemocratic. I contend that the people of Canada are not being consulted in the manner in which I believe they ought to be concerning their rights in these questions.

#### To Account For Anomalies

I wish to indicate, Mr. Speaker, my reasons for contending that the method that is proposed to attempt to remove these anomalies is improper and undemocratic. Then I wish to indicate what I consider to be the proper method to use. To do this I first wish to endeavour to account for the constitutional circumstances in which we find ourselves at the moment.

The question which must occur to every hon. member of this house and to every other citizen in this country is, why do such anomalies exist in our constitutional position? How did they come about? There must be something in Canada's constitutional history that accounts for the circumstances in which we

find ourselves. No other part of the British empire finds itself in the same circumstances. Why are these conditions peculiar to the people of Canada? In endeavouring to answer these questions, and in suggesting what I consider to be the proper remedy for them, I am not posing as a constitutional expert, although I may say it is now ten years since I began my studies on this subject, and I trust I shall not be considered presumptuous in claiming to have added a little to my knowledge in that time.

The matters which I wish to discuss are those with which every public school child in the seventh and eighth grades, every high school student, and certainly every voter, should be thoroughly familiar. Every citizen in the land should know by what authority we do things in this country. On several occasions during the past two parliaments I have argued the case I am about to introduce, but very little attention was paid to my statements either in the house or out of it. On this occasion I intend to be heard, and if not I demand to know the reason why. I consider that the situation which I shall discuss is of such importance that a reply or a comment should certainly be forthcoming from the Acting Prime Minister (Mr. Ilsley) the Minister of Justice (Mr. St. Laurent), and for that matter from all hon. members of the house. I and the people who have sent me here have a right to know whether there is or is not a basis in fact for my contentions, and if there is, they have the right to know what is going to be done about it.

#### Submit Reasoned Argument

I propose to make a reasoned argument supported by the best evidence I have been able to secure. If my argument is to be controverted, I demand that it be met with a reasoned argument and not with personal abuse and statements which are wholly irrelevant. I expect a more intelligent criticism of my argument than was exhibited by a certain hon. member when I discussed this subject in a previous parliament. In *Hansard*

of April 8, 1938, at page 2183, this little exchange took place between myself and the hon. member for Selkirk, Mr. Thorson:

Mr. Thorson: Would the hon. member indicate where he gets these queer ideas?

Mr. MacNICOL: He has queer ideas of his own.

Mr. KUHLM: I continue:

Mr. Kuhl: I placed on *Hansard* on February 10 a clear outline of the reasons for my statement. If the hon. member wishes to refute any of the facts or arguments which I placed before the house, I shall be pleased to hear the refutation.

Mr. Thorson: Why battle against windmills?

I submit that the subject matter and the arguments which I presented on that occasion were worthy of more intelligent criticism than was exhibited by that hon. gentleman. I have long ago learned that when an individual has a weak argument, or no argument at all, he usually resorts to personal abuse of his opponent. If hon. members have not a better argument to make than Mr. Thorson made on that occasion, I suggest that they hold their peace.

In submitting my argument, Mr. Speaker, I wish to assure you that I am actuated by the highest possible motives. We proudly proclaim our faith in democracy; we proclaim it from the housetops. I wish to urge that we practice what we preach. Let us demonstrate democracy instead of merely paying lip service to it.

It is my desire to see the people of Canada consulted where their fundamental rights are concerned. I wish to see government of the people by the people. These are the motives which actuate me in what I have to say on this resolution.

In presenting the special case I am about to discuss I am not necessarily speaking as a member of the Social Credit group; I am speaking as a native of Canada. The matters on which I am to speak are of fundamental concern to every citizen of Canada regardless of his or her political persuasion. They are among the most serious matters upon which a citizen can be called to think; they are the bed-rock considerations of human government.

#### Basic Premises

In order to endeavour to account for the contradictions in Canada's constitutional position and to suggest a remedy therefor, I wish to lay down some fundamental premises on which I shall base my entire argument. Locke is credited with saying:

Men being by nature all free, equal, and independent, no one can be put out of this estate and subjected to the power of another without

his consent. The only way whereby anyone divests himself of his natural liberty and puts on the bonds of civil society is by agreeing with other men to join and unite into a community.

Jefferson, in the declaration of independence, states:

We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness; that to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

#### Federal Union Defined

In addition to that promise I wish to indicate the definition of a federal union. What is a federal union? Bouvier in his law dictionary defines "federal government" as:

—a union or confederation of sovereign states, created either by treaty, or by the mutual adoption of a federal constitution.

Doctor Ollivier, joint law clerk of the House of Commons, on page 85 of the report of the special committee on the British North America Act, said:

A confederation is a union of independent and sovereign states bound together by a pact or a treaty for the observance of certain conditions dependent upon the unanimous consent of the contracting parties, who are free to withdraw from the union.

A. P. Newton, in his book entitled "Federal and Unified Constitutions," at page 5 says:

A federal state is a perpetual union of several sovereign states based first upon a treaty between those states or upon some historical status common to them all, and secondly upon a federal constitution accepted by their citizens.

Two points stand out prominently in these definitions. The first is that the states which form the union must be sovereign, free and independent before they federate; the second, that the federal constitution which forms the basis of the union must be accepted by the citizens of the federating states. I think it worth while in this connection to point out that when the states of Australia federated, the people of Australia were provided with two opportunities of voting on their constitution. I should like to quote a paragraph from a history of the Australian constitution by Quick and Garran. This paragraph is on the meaning of the words "have agreed" in the constitution, and it states:

These words make distinct and emphatic reference to the consensus of the people, arrived at through the procedure, in its various successive stages, prescribed by the substantially similar enabling acts adopted by the legislatures of the concurring colonies. In four of the colonies acts were passed enabling the people to take part in the framing and the acceptance or rejection of a federal constitution for

Australia. Through those acts the people agreed, first, to send representatives to a federal convention charged with duty of framing for Australia a federal constitution under the crown in the form of a bill for enactment by the imperial parliament, and, secondly, they agreed to pronounce their judgment upon the constitution at a referendum, which in each colony was arranged to follow the convention. In all the colonies, the constitution was eventually referred to the people. At this referendum each voter was enabled to vote by ballot "yes" or "no" on the question asked on the ballot paper, "Are you in favour of the proposed federal constitution?"

In this manner there was in four colonies a popular initiative and finally in all the colonies a popular ratification of the constitution, which is thus legally the work, as it will be for all time the heritage, of the Australian people. This democratic method of establishing a new form of government may be contrasted with the circumstances and conditions under which other federal constitutions became law.

#### Federal Union Desired In 1867

Now I should like to ask a few questions concerning our position in Canada. Did the provinces of Canada desire federal union? The Quebec resolutions, the London resolutions and the draft of the bill by the London delegates all indicate that the provinces of Canada desired federal union. The preamble to the Quebec resolutions reads:

The best interests and present and future prosperity of British North America will be promoted by a federal union under the crown.

Clause 70 of the Quebec resolutions indicates that whatever agreement was arrived at by the delegates would be submitted to the provinces for their approval. It reads:

The sanction of the imperial and local parliaments shall be sought for the union of the provinces, on the principles adopted by the conference.

Furthermore, a bill drafted in London by the Canadian delegates contains the same preamble that appears in the Quebec resolutions, and this draft bill also contains a repealing clause which hon. members can find on page 179 of Pope's "Confederation Documents". It reads:

From and after the union, all acts and parts of acts passed by the parliament of Great Britain, the parliament of the United Kingdom of Great Britain and Ireland, the legislature of Upper Canada, the legislature of Lower Canada, the legislature of Canada, the legislature of Nova Scotia, or the legislature of New Brunswick, which are repugnant to or inconsistent with the provisions of this act shall be and the same are hereby repealed.

#### Canada Not Federated Under B.N.A. Act

The next question is: Did Canada become a federal union under the British North America Act. I submit that the manner in which the bill was drafted and the

manner in which it was enacted throw much light on the answer to this question. The act was drafted by the law officers of the crown attached to the colonial office. Lord Carnarvon, secretary of state for the colonies, was the chairman of the conference. Sir Frederick Rogers, under-secretary for the colonies, in Lord Blachford's Letters, is quoted as saying at page 301:

They held many meetings at which I was always present. Lord Carnarvon was in the chair, and I was rather disappointed in his power of presidency.

In reading accounts of the times it is quite obvious that the bill which was drafted by the colonial office seems to have prevailed over that which was drafted by the delegates from Canada. The title and preamble of the bill drafted by the colonial office read:

The union of the British North American colonies, and for the government of the united colony.

Whereas the union of the British North American colonies for the purposes of government and legislation would be attended with great benefits to the colonies and be conducive to the interests of the United Kingdom;—

That is the preamble of the draft bill submitted by the colonial office, whereas the preamble of the bill drafted by the Canadian delegates reads:

Whereas the provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to form a federal union under the British crown for the purpose of government and legislation, based upon the principles of the British constitution;—

I submit, Mr. Speaker, no evidence is to be found to show that the preamble which we find in the printed copies of the British North America Act in Canada was either discussed or proven in the British parliament. This preamble reads:

Whereas the provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to be federally united into one dominion—

Lord Carnarvon, who introduced the bill on February 19, 1867, used these words as reported at page 559 of the British *Hansard*:

The bill opens by reciting the desire of the several provinces to be federally united.

Furthermore Lord Campbell, speaking to the bill on February 26 of the same year, is reported at page 1012 of the British *Hansard* as having said:

The bill is founded, I believe, on what is termed the Quebec scheme of 1864. When the resolution, which alone engages the Nova Scotian parliament, was in debate, its whole tenor, as our papers show, were against that project. The leader of the government was understood distinctly to renounce it. Our lights, indeed, may be imperfect upon this part of the subject, and I will not dwell upon it. But one thing

is clear, the preamble of the resolution comes before us in full and perfect authenticity. The preamble lays down the expediency of confederating British North America.

I submit it should be evident from these quotations that the preamble which was discussed was that to be found in the Quebec resolutions, not the one we find in the printed copies of the British North America Act in Canada.

A pertinent question to ask at this point would be: when was the present preamble placed in the British North America Act? Why was it not discussed in the British parliament, and, furthermore, what is the significance of an act bearing a preamble which was not even discussed, let alone proven? Another point of significance in connection with this, I believe, is the undue haste with which the bill was passed through the imperial parliament. When second reading was called for the bill was not even printed. At page 1090 of British *Hansard* for February 27, 1867, we find these words:

Mr. Hatfield said he rose to ask the government why it was the second reading of this bill had been fixed for to-morrow. It was one which affected 4,000,000 of people and upon which great doubts and differences of opinion were entertained. It was not yet printed and was of so important a character that he thought some little time ought to elapse after it was in the hands of the members before it was introduced in order that some little consultation should take place upon it. He was not at all sure that he should be opposed to it but he certainly required more time to consider it.

Later, on page 1195, on February 28, we find this:

He (Mr. Hatfield) thought that a bill of such great importance ought not to be passed through parliament with such haste. It was read a third time in the House of Lords only on Tuesday night and two days after they were called to give it a second reading in that house (Commons) that was a bad precedent to establish and might produce ill effect at another time. If the bill had been delayed only for a few weeks, the people of Nova Scotia would have been able to express an opinion upon it. He had not had time to consider either the bill itself or the papers on the subject which had been put into his hands.

Another significant statement is that by John Bright, which we find at page 1181 of British *Hansard* for February 28, 1867, as follows:

I have heard there is at present in London a petition complaining of the hasty proceedings of parliament and asking for delay, signed by 31,000 adult males of the province of Nova Scotia and that petition is in reality signed by at least half of all the male inhabitants of that province. So far as I know, the petition does not protest absolutely against union but against the manner in which it is being carried out by this scheme and bill and by the hasty measures of the colonial office . . .

Nobody pretends that the people of Canada prefer a nominated council to an elective council . . . I regret very much that they have not adopted another system with regard to their council or senate, because I am satisfied—I have not a particle of doubt with regard to it—that we run a great danger of making this act work ill almost from the beginning . . .

For my share, I want the population of these provinces to do that which they believe to be the best for their own interests—remain with this country if they like or become independent states if they like.

### Conclusions

From the evidence which I have thus far submitted I draw the following conclusions:

1. The provinces of Canada desired a federal union.
2. The Quebec resolutions provided for a federal union.
3. The bill drafted by the Canadian delegates at the London conference, also provided for a federal union.
4. The colonial office was not disposed to grant the provinces of Canada their request for a federal union.
5. The British North America Act, enacted by the imperial parliament, carried out neither the spirit nor the terms of the Quebec resolutions.
6. Canada did not become a federal union under the British North America Act, but rather a united colony. The privilege of federating, therefore, was still a future privilege.
7. The parliament of Canada did not become the government of Canada, much less a federal government. It became merely the central legislature of a united colony, a legislative body whose only power was that of aiding and advising the governor general as agent of the imperial parliament.
8. The British North America Act, as enacted by the imperial parliament, was not a constitution, but merely an act of the imperial parliament which united four colonies in Canada into one colony with the supreme authority still remaining in the hands of the British government.

### Further Evidence

As further evidence that the British North America Act was not a constitution, and that Canada did not become a federal union, I refer to the definition of the term "dominion" which is to be found in section 18, paragraph 3 of the Interpretation Act of 1889. It reads as follows:

The expression "colony" shall mean any of Her Majesty's dominions, exclusive of the British islands and of British India; and where parts of such dominions are under both a

central legislature and local legislatures, all parts under the central legislature shall, for the purpose of this definition be deemed to be one colony.

Excepting Canada, no country in the empire had a central legislature and local legislatures. Therefore, according to this definition made twenty-two years after the enactment of the British North America Act, Canada is deemed to be one colony.

To show that I am not alone in my conclusions I quote some of the statements of recognized Canadian constitutional authorities before the special committee on the British North America Act in 1935.

Doctor W. P. M. Kennedy, Professor of Law in the University of Toronto, at page 69 of the report states:

I think we have got to get away from the idea that the British North America Act is a contract "or treaty". I do not want to go into that, but it is true neither in history nor in law. The British North America Act is a statute, and has always been interpreted as a statute.

Professor N. McL. Rogers, of Queen's University, at page 115 of the report states in reply to a question by Mr. Cowan:

Mr. Cowan: You do not subscribe to the belief that this was a pact or contract?

Mr. Rogers: I am thoroughly convinced it is not, either in the historical or the legal sense.

Then I would quote Doctor Beauchesne, Clerk of the House of Commons, who at page 125 states.

It is quite true that if we apply to the British North America Act the principles followed in the interpretation of statutes, it is not a compact between provinces; it is an act of parliament which does not even embody all the resolutions passed in Canada and in London prior to its passage in the British parliament where certain clauses that had not been recommended by the Canadian provinces were added.

The evidence which I have submitted establishes to my satisfaction that there has been at no time in Canada any agreement, pact or treaty between the provinces creating a federal union and a federal government. The privilege to federate therefore was still a future privilege for the provinces of Canada.

#### **Provinces Completely Sovereign**

Since the condition of sovereignty and independence must be enjoyed by the provinces before they can federate, it was necessary that the British government relinquish its authority over them. This was done through the enactment of the statute of Westminster on December 11, 1931. By section 7, paragraph 2, of this statute, the provinces of Canada were made sovereign, free and independent

in order that they might consummate the federal union which they wished to create in 1867, but were not permitted to do so.

Since December 11, 1931, the provinces of Canada have not acted on their newly acquired status; they have not signed any agreement, they have not adopted a constitution, and the people of Canada have not ratified a constitution. Such action should have been taken immediately upon the enactment of the statute of Westminster. It is by reason of the failure of the provinces and of the people of Canada to take this action that all the anomalies in our present position exist. We have been trying since 1931 to govern ourselves federally, under an instrument which was nothing more than an act of the imperial parliament for the purpose of governing a colonial possession.

Not only has this anomalous condition obtained since 1931, but it has done so without any reference whatsoever having been made to the Canadian people. They have not been consulted on anything pertaining to constitutional matters. Before there can be a federal union in Canada and a federal government, the provinces of Canada must be free and independent to consummate such a union. They have been free to do so since December 11, 1931, but they have not done so.

#### **Canada Without A Constitution**

I therefore pose this question: Whence does the dominion parliament derive its authority to govern this country? The imperial parliament cannot create a federal union in Canada or constitute a federal government for the people of Canada by virtue of the British North America Act or any other act. This can be done only by the people of Canada, and they have not yet done so.

Since December 11, 1931, as an individual citizen of this country I have had the right to be consulted on the matter of a constitution. I have had the right along with my fellow citizens to ratify or to refuse to ratify a constitution, but I have not been consulted in any way whatsoever. I assert therefore that until I, along with a majority of Canadians, ratify a constitution in Canada, there can be no constitution, and I challenge successful contradiction of that proposition.

Mr. POULIOT: Were you born in 1867?

Mr. KUHL: Not that I recall.

Mr. JOHNSTON: Were you?

Mr. POULIOT: No.

Mr. KUHL: Those who were in charge of Canadian affairs in 1931 were under obligation to acquaint the people of Canada with the

constitutional position obtaining at the time and to prepare them so that they would be able to act upon their altered status.

Mr. JAENICKE: What about section 7 of the statute of Westminster?

Mr. KUHL: I have already answered that. I have indicated the position of the British North America Act, and have pointed out that it has not been accepted as a constitution by the people of Canada.

Mr. JAENICKE: The statute of Westminster made the provinces autonomous.

Mr. KUHL: Yes.

Mr. JAENICKE: What about section 7 of the statute of Westminster?

Mr. KUHL: Which one?

Mr. JAENICKE: Amending the British North America Act.

Mr. KUHL: Just exactly as I have said, there can be no constitution in Canada, whether it is on the basis of the British North America Act or any other act, until the people of Canada accept it. They have not accepted it.

Mr. COLDWELL: We have been acting under the British North America Act since 1867.

Mr. KUHL: That does not alter the situation.

Mr. JAENICKE: What are you going to do about it?

#### Remedy For Condition

Mr. KUHL: Before I resume my seat I shall indicate definitely what to do about it. The people of Canada have not acted on the altered constitutional status; hence the deplorable constitutional position in which we find ourselves in this country. I know of no country which is in such shocking constitutional circumstances as Canada. As a native of this country it is most humiliating to me to be obliged to continue to accept this position, and I am determined to do my part to rectify that position.

Legally Canada is in a state of anarchy and has been so since December 11, 1931. All power to govern in Canada since the enactment of the statute of Westminster has resided with the provinces of Canada and all power legally remains there until such time as the provinces sign an agreement and ratify a constitution whereby they delegate such powers as they desire upon a central government of their own creation. Since December 11, 1931, the parliament of Canada has governed Canada on assumed power only. It is imperative

that this situation be dealt with in a fundamental way. Patchwork methods will not suffice. Obviously the first act is that the provinces of Canada shall sign an agreement authorizing the present parliament to function as a provisional government. That is number one in answer to my hon. friend. Secondly, steps must then be taken to organize and elect a constituent assembly whose purpose will be to draft a constitution which must later be agreed to by the provinces and then ratified by the people of Canada. The dominion-provincial conference is to reconvene in the near future. This would be a most appropriate time and a most appropriate occasion on which to initiate action of this kind. I trust that the delegates to this conference will not disappoint us in this matter. I shall observe with much interest what will be said in this conference on constitutional relationships in Canada.

#### Proposals Endorsed

To show that I am not alone in my proposal I quote Doctor Beauséne from the evidence of the special committee on the British North America Act in 1935. On page 126 of the evidence he is credited with saying:

—the statute of Westminster has altered our status . . .

The time has come in my humble opinion, when the British North America Act, except as to minority rights, should be transformed and a new constitution more in conformity with present conditions should be adopted. Amendments here and there would be mere patchwork which could not last. The people of 1935 are different from those of 1867. What we want is a new constitution . . .

The new constitution must leave nobody with a grievance. A spirit of conciliation should predominate. For these reasons, the task must be entrusted to an independent body in which all the elements of the country will be represented. I, therefore, beg to suggest an imposing constituent assembly formed of eminent men coming from all parts of Canada. Provincial conferences, attended by a few ministers meeting behind closed doors, would hardly satisfy public opinion. The debate should be public . . .

I want the assembly to sit in a city in the west. It would not be necessary for a delegate to be a member of parliament or of a provincial legislature . . .

And on page 128 Doctor Beauséne is reported as follows:

I would suggest that the assembly do not sit in Ottawa, in order that it may not have the appearance of being dominated, or even influenced by the dominion power; and, as the western provinces are of such paramount importance in the country, I suggest the best city for the representatives to gather in would be Winnipeg.

And again on page 131:

There have been many disputes about provincial rights since 1867 and it seems certain that

when a new constitution is drawn up, the distribution of federal and provincial powers will have to be modified.

And page 135:

I think the time is ripe for a change in the constitution. I do not think you would need much publicity in order to draw to the attention of the people of this country that the British North America Act is inadequate.

And finally on page 129:

Whether our country should be changed from a dominion to a kingdom is also a subject which might be discussed. I would suggest that the country should be called "the federated states of Canada."

I should also like to quote in this connection a resolution which was adopted at a convention of Social Credit supporters and monetary-reform-minded people held in the city of Edmonton in 1942. This resolution is to be found at page 59 in the publication "Prepare Now," issued by the bureau of information, legislative building, Edmonton. It reads as follows:

Whereas the statute of Westminster, in granting complete sovereignty and equality with Great Britain to Canada and other nations of the British commonwealth, has changed the relative positions of the provincial and federal governments as provided in the B.N.A. Act: and

Whereas it is desirable and expedient in the interests of national unity that an interprovincial conference of appropriate representatives of the Canadian provinces be held for the purpose of reviewing and adjusting the constitutional relationship as between the provinces and their central government with a view to providing effective democratic government in Canada:

Therefore be it resolved that without in any way prejudicing or jeopardizing the rights and privileges of any minority group in Canada, a comprehensive conference of representatives of the provinces be held for the purpose of considering:

1. The existing legislative and administrative organization in the provincial and federal spheres.

2. A more expedient allocation of powers as between the provincial and federal authorities.

3. Ways and means of facilitating the drafting, the adoption and the implementation of a Canadian constitution in keeping with the rights granted in the statute of Westminster.

I contend, Mr. Speaker, that such are the actions which should be taken before it is appropriate to adopt a distinctive national flag. I submit that the adoption of a new flag of our own designing should be the crowning act to putting our constitutional house in order.

I believe that the statements which I have placed upon the record are historical facts. I believe that the conclusions which I have drawn from these facts are the only ones which can be drawn from them, and I believe, consequently, that the solution which I have suggested is the only one adequate for the circumstances. If hon. members of this assembly can successfully dispute either the facts which I have submitted or the conclusions which I have drawn therefrom, I shall be prepared to withdraw those conclusions, but if they do not do so, I believe the people of the country have a right to know what they propose to do in the circumstances.

It was my intention to move an amendment, but as one has been moved already I shall refrain from doing so until the amendment already moved has been dealt with. So far as the substance of that amendment is concerned, I repeat what I have previously indicated. I think it is premature to consider any flag, either the one suggested in the amendment or any other. There are other and more important actions to be taken before we can consider the adoption of a new flag.

**PERTINENT CLAUSES**  
**FROM**  
**THE STATUTE OF WESTMINSTER**  
**AND**  
**OTHER STATUTES**

2. (1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

4. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

7. (1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.

(3) The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or of any of the legislatures of the Provinces respectively.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

**THE INTERPRETATIONS ACT, 1889.**

Sec. 18, Par. 3. — The expression "Colony" shall mean any of Her Majesty's Dominions exclusive of the British Islands and British India, and where parts of such dominions are under both a Central Legislature and Local Legislature for the purposes of this definition shall be deemed to be one Colony.

**THE COLONIAL LAWS VALIDITY ACT,  
JUNE 29th, 1865.**

Sec. 6. — Any proclamation purported to be published by the authority of the Governor, circulating in any newspaper in the Colonies, signifying Her Majesty's assent to any such Colonial law or Her Majesty's disallowance of any such reserved bill as aforesaid, shall be prima facie evidence of such disallowance or assent.

## CHAPTER 10

### THE WESTERN IDEA OR DREAM

The real significance of the American Revolution was not the military revolt that led to political independence, but the philosophical about face which freed the developing American economy from deadly shackles of bureaucratic control, and by liberating the creative energies of the people, made possible the miracle of American production,

That was the real American idea - the idea of the "Free Market". The Free Market refers not only to the free trading of goods in the market place, but to the untrampled exchange of ideas, and to the fullest possible development of the human mind and spirit. It refers to such added aspects of liberty as freedom of speech and of the press. It means also freedom to write, and create literature. That was the true essence and spirit of the North American dream, and civilization which we have built.

Yes, there has been Freedom which is a timeless torch and it glowed brightly here and there through the centuries - destroyed and obscured now and then only to reappear elsewhere as the fortunes of men, rose and fell through the ages.

Our forefathers came to Western Canada with the same ideas as the American dream but recently the so called "*Modern notions about the need of governmental management and supervision of all our economic processes*", are not really modern. Nor are they Liberal as some people believe. The classical liberal concept was that of a government with sharply limited powers. The true liberals, from Thomas Jefferson to Woodrow Wilson, in the U.S. were afraid of big government, Jefferson said: "The best governed are the least governed."

The history of liberty is a history of limitations of Governmental Power, not the increase of it. The idea of the "managed economy" - the idea of substituting the decisions of bureaucrats for the operation of the free market - all this is not new, or modern, or original, but very very old.

Under *Emperor Alexander* "Serverus laws" were decreed to control all businesses that were operated on accumulated capital. Under Domitian in order to prevent over production of wine the State ordered a portion of the grape vines uprooted. Under Vispacian to prevent unemployment a ban was put on mechanization. Under Diocletion, wage and price controls were imposed.

Needless to say, all this created a vast and expensive bureaucracy. It also resulted in debt, inflation and monetary devaluation.

Need I go on? It sounds very modern doesn't it. Yet it happened many years ago.

What then is "free from oppression" - "free to achieve". We associate freedom with the abstractions of political liberty.

The secret of the West was that in the development of the west, men were on their own, No one guaranteed them against failure.

It was sink or swim. It was a rough, tough school; and of course would be repugnant to our intellectuals today - people who want the state to be the "sugar daddy". What made the difference between us and South America, Africa, India?

"Freedom" not just freedom from colonialism, but freedom for growth, for development, freedom for the individual life to develop its capacities, and freedom from too much government.

It is our responsibility to reestablish (in Western Canada, and for future generations), that we want to be free to make better use of our energies and resources than most other people. And that freedom must come by our own efforts and by a government deliberately designed to protect us and guarantee us, protection under the law - and leave us free to achieve. Our challenge is - do we quietly accept what we have and what is being imposed by the welfare and socialist state? Or do we reestablish the Western idea that our pioneers worked hard to have born in Western Canada?

## **OUR INADEQUATE GOVERNMENT**

I am frightened by what has happened to my country since 1968, by the forces which have ravaged our economy, the moves to Socialism and centralization of power in Ottawa, the failure of our monetary system, the huge deficit, mounting national debt, and by the record of weakness in our foreign policy.

A major part of the problem is the sheer enormous size of the government in Ottawa. The central government has grown to such monstrous proportions that it has sucked the lifeblood from our provinces and local communities, profoundly changing the nature of our governmental system. But at the same time, it has become so huge and so distant that it is beyond the control of its officials. At least the elected ones. To the degree that the average Canadian only dimly comprehends, it's run according to its own momentum.

It is this enormous, rudderless government that is the basic source of our economic problems ie: runaway spending, confiscatory taxation, oppressive regulations, as well as the resulting intolerable inflation, which have crushed the life out of our economy.

It is because of this gigantic burden that we have been experiencing declining investment, falling productivity, staggering industries, energy shortages, chronic unemployment and runaway inflation. Even more important, this massive and mindless government intrusion has almost destroyed the most precious of our worldly holdings - our personal freedom. Not only units of provincial and local governments but private institutions and individual citizens have discovered they cannot conduct the business of daily living without getting permission of "Big Brother".

Our system, after all, is not supposed to be anarchic or dictatorial.

Our pioneers and founders believed government was a necessary institution in society - to provide for the common defense, maintain internal order, see to the administration of Justice. These functions are essential to freedom because they neutralize the aggressive use of force that threatens the life and liberty of the individual.

Yet these functions have been performed inadequately or not at all by the self-same central government that presumes to regulate the minutest aspect of our life.

The Canadian financial policies initiated by Fabian socialists, led by Trudeau, have resulted in massive deficit budgets, crushing taxation, and inflation, and have over the years been guided by Fabian Socialist "advisors".

Typical of these was Robert Bryce, an old London school boy with a long record of collaboration with communists, a man who over a long period advised both Liberal and Progressive Conservative Governments at Ottawa.

But it was the Trudeau regime which (immediately it came to office in 1968) rapidly escalated the rate of advance on the Fabian Socialist road, Laski gave Trudeau personal tutoring and was, according to Trudeau, "The most stimulating and powerful influence he had encountered". Fabian socialists influence inside the Progressive Conservatives, assisted Trudeau to office in 1968, when Robert Stanfield and his associates refused to be associated with any effort to expose Trudeau's Fabian Socialist background.

Stanfield, by 1939, had developed a political philosophy that combined American Liberalism with British Democratic Socialism. At the Conservative leadership convention in 1967, Stanfield read an address prepared by Dalton Camp, another old London school boy, in which it was stated that "*The Progressive Conservatives accept the role of Government in economic development.*"

Laski said: "There is no way to power save through the ballot box" and through "permeation of existing political parties rather than the creation of a separate political party".

This was the Fabian philosophy of gradualism which Trudeau used to become Prime Minister. Which he describes vividly in the books: "The Practice and Theory of Federalism" and "Social Purpose of Canada" Mr. Trudeau said Federalism must be welcomed as a valuable tool which permits dynamic parties to plant socialist governments in certain provinces from which the seed of radicalism can be slowly spread: He also made a plea for "Greater realism and greater flexibility in the socialist approach to problems of Federalism". He said, "I would like to see Socialists feeling free to espouse whatever constitutional tools happen to fit each particular problem at a particular time".

So Canada moved toward socialism with leaders of all parties agreeing socialism was the correct approach for Canada.

In his book "The Gathering Storm" about the events leading up to World War II, Winston Churchill wrote that "multitudes remained plunged in ignorance about the mounting Nazi menace while most western leaders did not dare to undeceive them". How different the history of that era might have been, had western leaders quit the self-deception and met squarely the threat of war.

Today, we in Western Canada face no less a challenge. A small group of commercially illiterate, socialist activists have taken over the country and are governing without any semblance of parliamentary control or democratic behavior. The disciplined and frightened civil service bureaucracy bribed with high pay and Cabinet order-in-council, indexed wage hikes and a docile and indoctrinated Bank of Canada, which is now printing the fiat money on request, the Canadian economy is now past the point of no-return. We will have to actually experience what was once only a possibility. This is what happens when a neglected political system becomes captive to elected representatives who are without exception below the standard of professional competence required in private industry.

Occasionally a book appears that can be described appropriately as "must reading". Such a book is William E. Simon's *A Time For Truth*, McGraw-Hill Book Co. The former U.S. Secretary of the Treasury has written with frankness not ordinarily expected from anyone who has spent four years in Washington. So closely do the facts presented in this eloquent book apply to the Western Canada scene and when an author writes so well, he can speak for himself better than can most reviewers. He writes, "There is tragically little awareness in the U.S. today that a guiding philosophy lies behind the destruction we are seeing ... There is, however, a substantial awareness in our political leadership that our fiscal and economic policies have gone awry and that the multiple promises of cradle-to-grave security for our citizens can no longer be responsibly expanded, if indeed they can be fulfilled. This is true in all the Western social democratic nations that are guided by the same egalitarian-redistributionist philosophy. During my four years in Washington, ... Chiefs of state and finance ministers of America's Western allies told me with great concern that they no longer knew how to sustain the levels of economic support which their citizens had come to believe was their "right". All were counting on America to save them."

In September 1976, the British Prime Minister James Callaghan, in a speech to the Labour Party Conference, declared, "We used to think that you could just spend your way out of a recession and increase employment by cutting taxes and boosting government spending. I tell you in all candor that that option no longer exists and that insofar as it ever did exist, it only worked by injecting a bigger dose of inflation into the economy, followed by a higher level of unemployment. That is the history of the past twenty years."

And shortly thereafter West German Chancellor Helmut Schmit, speaking at the International Socialists Conference in Geneva, "warned all the socialist and social-democratic nations that they were "stimulating" their economies by printing fake money."

"Normally in life, if one finds oneself in a situation where all known courses of action are destructive, one reassesses the premises which led to that situation. The premise to be questioned here is the degree of government intervention itself, the very competence of the state to function as a significant economic ruler. But to question that premise is to hurl oneself intellectually into a free market universe. And that the social democratic leaders will not do. A few may actually understand - as did the brilliant Chancellor Erhard in post-war Germany - "that the solution to shortages, recession and unemployment is to dispense with most intervention and regulation and allow men to produce competitively in freedom. But they know that if they proposed this they would be destroyed by the political intellectuals of their countries, the men with limited minds and unlimited egos."

They have lost the knowledge that the exercise of unlimited power by men with limited minds and self-regarding prejudice is soon oppressive, reactionary and corrupt. They have lost this knowledge because today - although in their collective idealism they cannot grasp this - THEY are the reactionary corrupt oppressors.

"The powerful political intelligentsia that determines the trends in social democratic nations today is as stubborn and ruthless a ruling elite as any in history and worse than many because it is possessed of delusions of moral grandeur."

"So here we are, with most of our politicians careening towards more and more central planning and our society ruled by a small band of moral and economic despots who ARE our universities and ARE our foundations and ARE our media and ARE our bureaucracies. What then can be done? We can do a number of things and if I first eliminate the things we cannot do and should not do, it will be better understood. The LAST thing to do is fight conventionally in the political arena, on the assumption that getting conservatives of all the parties into office, is a solution. That will solve nothing fundamental. Similarly, one should not come up with programs of one's own. Not only will they turn out to be modified authoritarian programs but also the very approach is itself a symptom of the interventionist disease. The incessant spawning and modification of laws, regulations, programs, and "national purposes" are the expression of a state which sees its primary function as a controller of citizens. Our technocrats have taught people that only learned bickering over microscopic matters constitutes "expert" political discourse. But that learned bickering will not help us. That is the language of centralized planners and we don't need more of it. And we certainly don't need a more "efficient" government in their sense. On the contrary, so long as our government remains in its present state, we are better off with extreme inefficiency."

"What we need today in Canada is adherence to a set of broad guiding principles. The overriding principle to be revived in Canadian political life is that which sets individual liberty as the highest political value – that value to which all other values are subordinate and that which, at all times, is to be given the highest priority in policy discussions.

"By the same token, there must be a conscious prejudice against any intervention by the state into our lives, for by definition such intervention abridges liberty. Whatever form it may take, state intervention in the private and productive lives of the citizenry must be presumed to be negative and a dangerous act.

"A critical principle which must be communicated forcefully to the public is the very close interdependence of economic wealth and political liberty. Our people must re-learn what keeps them prosperous is production and technological innovation. Their wealth comes, not from government offices or politicians promises but only from that portion of the marketplace which is FREE.

Bureaucracies themselves should be assumed to be noxious, authoritarian parasites on society, with a tendency to augment their own size and power and to cultivate a parasitical clientele in all classes of society.

"Productivity and the growth of productivity must be the FIRST economic consideration at all times, not the last. That is the source of technological innovation, jobs and wealth. This means that profits needed for investment must be respected as a social blessing not as a social evil, and that envy of the "rich" cannot be allowed to destroy a powerful economic system. The concept that "wealth is theft" must be repudiated. It now lurks, implicitly, in most of the political statements we hear. Wealth can indeed be stolen, but only AFTER it has been produced, and the difference between stolen wealth and produced wealth is critical. If a man obtains money by fraud or by force, he is simply a criminal to be handled by the police and the courts - conversely, the concept that the absence of money implies some sort of virtue should be repudiated. Poverty

may result from honest misfortune, but it also may result from sloth, incompetence and dishonesty. Again, the distinction between deserving and undeserving poor is important.

"Similarly, the view that government is virtuous and producers are evil is a piece of folly, and a nation that allows itself to be tacitly guided by these illusions must lose both its liberty and its wealth. Government has its proper functions, and consequently, there can be both good and bad governments, Producers as well can be honest and dishonest. Achievers must not be penalized or parasites rewarded if we aspire to a healthy and ethical society. Able-bodied citizens must work to sustain their lives and in a healthy economic system they should be enabled and encouraged to save for their old age.

The Canadian citizen must be made aware that today a relatively small group of people is proclaiming its purposes to be the will of the PEOPLE. That elitist approach to government must be repudiated.

The growing cynicism about democracy must be combated by explaining why it has become corrupt. People have been taught that if they can get together big enough gangs, they have the legal power to hijack other citizen's wealth, which means the power to hijack other people's efforts, energies and lives. No decent society can function when men are given such power. A state DOES need funds to function, but a clear cutoff line must be established beyond which no political group or institution can confiscate a citizen's honorably earned property. The notion that one can differentiate between "property rights" and "human rights" is as old as Magna Carta. One need merely to see the appalling condition of "human rights" in nations where there are no "property rights" to understand why. This is just a manifestation of the socialist myth which imagines that one can keep men's minds free while enslaving their bodies.

We must continue to keep people aware of how much their fate depends on themselves alone and not on some mysterious source of "government" money somewhere else. We can relearn the Canadian way of life which we were taught to respect in the past. The foreign influence brought in since 1946 came with huge European and Asiatic influxes of immigration, bringing with them standards of behaviour and values totally different to what was here before 1946. It was largely a pioneer agricultural tradition with a strong work ethic of values which have been largely downgraded by the new Quebec bureaucracy coming to Ottawa with Trudeau in 1968. Inexperienced in the management of government, especially of Western Canada, it was so overwhelmed with its new duties that they still haven't caught up and never will.

We are therefore unable, with all present political parties believing in a philosophy "half way to Moscow" to ever establish democracy, freedom, liberty, allowing private enterprise to prosper unless a drastic change is made, *and this change must be forced onto the political structure by a Federation of the four Western Provinces first* then try for a "Confederation of Regions", or a common market made up of Western Canada, Ontario, Quebec and the Atlantic provinces sharing regional control equally on all common issues and with strong provincial governments forming a Regional Authority to govern and legislate the aspirations of each region's destiny and direction.

## **THE WESTERN FEDERATION STRUCTURE**

Throughout history, civilization and ideas have followed the Sun, counter to the Rotation of the World. Western Civilization for generations have said "go west, young man, go west". Western Canada is as far west as anyone can go in the Northern Hemisphere because west of Vancouver Island is the international date line, the beginning of each new day and beyond that is the far east.

The writer believes that from this newest settled area and the farthest west, the idea of a new political alignment or structure must and shall emerge, one which will produce a new "Confederation of Regions" or Independence and a new monetary and fiscal policy which is not based on debt.

We, in the west, must first create a Western Federation, find a common goal, establish western aspirations, and then demand unequivocally that a new "custom convention and tradition" be started, which will allow the four natural regions of this country to grow in autonomy, and a greater degree of self-determination, and we will not accept anything less. We want to and will control our own destiny.

## CHAPTER ELEVEN

### THINGS WHICH MUST BE CORRECTED

We live in a century of illusions and myths. We believe our government is still responsible to the public will which elected them.

We think a government still trembles when the opposition mounts a concerted debate against its policies, while an aroused public clamours for its resignation.

We expect the representatives we send to parliament will influence the cabinet and hold it responsible to the house; and we believe the Prime Minister is chairman of a cabinet which is responsible to the house. We think that this is what parliament is all about. The brazen defiance of parliament on Black Friday, February 19, 1968 when Prime Minister Pearson refused to resign after his government was defeated on the third reading of a major tax bill, illustrates the impotence of parliament to overthrow a resolute Prime Minister who refuses to go, and we now have such a Prime Minister again.

The power to overthrow governments, unquestioned at the time of the Pacific Scandal of 1874, and the Constitutional crises of 1925 is spent. The sustained whittling away of the freedom and scope of the "Public Accounts Committee" portrayed by Norman Ward's study is mirrored in the harassment of modern committees despite the reforms of 1968.

We continue to believe these things as we elect our members to parliament but in reality all we are doing is placing a cog in the party machine which is turned and controlled by the Prime Minister and his strong men. (So changes must be made and we will discuss them later.)

### THE STRUGGLE FOR SELF DETERMINATION

Dr. George Charles Roche III, on the staff of "The Foundation for Economic Freedom" in the U.S., describes the hopes and aspirations of the first settlers in the U.S., how as colonists their efforts to establish a new order was frustrated during the colonies first 150 years and how that frustration led to the war for Independence. (I find the very same frustrations in Western Canada in our first 115 years) and will use part of an article from his pamphlet entitled "American Federalism". He says: "In its narrow sense, federalism refers to the division of authority and function between and among the national government and the various state governments. But it has come to possess a wider meaning in American Political history.

The idea of Constitutional limitations of power, of both horizontal and vertical divisions of power, of the representative nature of republican institutions, of a national government strong enough to perform certain necessary tasks and yet not so strong as to become a threat to liberty, is perhaps better epitomized in its unique American historical setting by the word "Federalism" than by any other single term. Above all federalism in its American context conveys something of our high regard for *regional, local and individual diversity*, widely varied yet capable of achieving a simultaneous national unity."

We in the west, and all of Canada, must recall that the 13 colonies of North America were colonies for 150 years and each of the colonies, working separately, had tried many different philosophies (even Communism, which failed). They were also building upon a heritage (the same heritage as our founders) to produce a very different sort of nation than the world had ever seen.

We in Western Canada have the benefit and knowledge of those efforts and we must insist on changes before a revolution is necessary.

Ours must be a "Revolution by due process of law". Our declaration or manifesto must be attacks on usurpation and centralization of authority, which is tyranny.

We must not allow authoritarian control in our new political order. "Men are endowed by their creator with certain inalienable rights". If men are endowed "by their creator" with these rights, it must follow that God and not Government is sovereign, and therefore governments must be without authority to interfere with "certain inalienable rights". Such as self-government and sustenance; that is, the right to freedom, and the right to ownership of property as a means of making freedom meaningful.

Without doubt many Canadians regard themselves as free people. But how well does our society fit the description of freedom? Our pioneers who fled from oppression had an accurate understanding of it. In a free society there would be a government of laws, not of men. The laws themselves would be subject to the rule of law, and so too would be the power of Government.

The power of those vested with legal authority should be strictly limited, and the essential purpose of their authority should be the defense of life, liberty and property of the people against enemies and internal force and fraud.

Whatever the people wish to do outside the lawfully Purview of Government, they might do without requiring the leave or license of Government.

Thus their prescription envisaged a framework of law within which the people would do what they wished, go their own way, and make their own choices. Internally the law would intervene primarily only to prevent the people from impinging upon each other's rightful liberty.

The state is not society. Society and state are different entities, even though their members may be the same and even though they may intermesh with each other. The state is the entity charged with the task of protecting society, but the society overflows the bounds of the state into fields where the state has no right to go. A society cannot be free if it is synonymous with the state. For if it was, all human activity would not only be governed by law, it would also be prescribed and licensed by law, which is the meaning of totalitarianism.

Our founding fathers derived their principles of limiting government and protecting individual rights from belief in natural law; that is belief that God had ordained a framework of individual dignity and responsibility that was to serve as a basis for all human law. The problem was, they did not spell all this out in a written constitution as was done by the colonies in the U.S.

We therefore, in the west, must elect a "constituent assembly" to review and establish these basic principles, and in my opinion, anyone eligible for election to this constituent assembly must be pioneers and first generation Canadians of pioneer stock, who know our founders' principles, before they were eroded by governments. This must be done by people who still remember what liberty and freedom meant, and who recognize "liberty cannot be established without morality nor morality, without faith " (as Tocqueville espoused) recognize that there is a "higher power" and that there are certain fixed principles that limits anyone, majorities included, in the exercise of their power. Our western Federation must be forever hostile to monopoly power, whether social, religious, political and must disallow power by secret organizations.

Our constitution must outlaw nobility (social monopoly) and an established church (Religious Monopoly) and make a point of outlawing centralization of political power, and there must be checks and balances in our new west.

## **MONETARY REFORM**

Governments everywhere in our western world seem incapable of preventing financial crises or of halting inflation and ever rising taxation; and as a result disillusionment leads to serious unrest which too often culminates in some form of dictatorship such as communism or military rule or centralization.

Before, however, we lose faith in democratic government completely, we should carefully consider whether there is not some cause for the constant economic crises which the majority of politicians and economists simply do not understand. There is indeed a very small minority who do understand, but they appear to have a vested interest in maintaining a faulty monetary system founded on debt.

Though it may not be easy to prove, there is something radically wrong with the modern monetary system, it is easy to provide clear circumstantial evidence to this effect, for every worthwhile reform is hampered by lack of money. Even though it is physically possible to abolish slums, to build more roads, houses, schools, hospitals, to increase the staffing of. universities, schools, hospitals, to extend research into disease, to lessen poverty, particularly among the aged; but in all such aims, however honest the endeavours of our politicians, they are frustrated by the treasury on the plea that we cannot afford the cost of most of these projects; yet what is "physically possible should be financially possible", since money can be created or destroyed as required.

Even though this truth about money may seem mysterious to many people and may never be really understood, one can only repeat that circumstantial evidence bears witness to its truth, for whenever wars or preparations for wars, or vast space projects have to be financed the necessary money is somehow forthcoming. Anyone daring to suggest making peace with Hitler during the last war, because of lack of money, would have been regarded as mad or stupid; and not until we regard as mad or stupid governments that refuse to carry out important projects (because they will not cause the money required to be created rather than borrowed) shall we halt the growing chaos in the world. It must, of course, be admitted that creation of money for

war, purposes is inflationary since a large proportion of production is blown to bits, but similar sums of money created for construction in peace time is not inflationary, if scientifically controlled, since expanding production for consumption requires expanding money.

It should be obvious that basically all the features of the economic depression threatening the future, originate in the money system - inflation of prices, usurious interest, huge escalating public, corporate and personal debts, harsh taxation, taking more than half the income of Canadians on the average, the widespread bankruptcies and so forth.

The first thing to note is that, under this monetary system, the wealthier a nation becomes in terms of developing its natural resources and its ability to produce goods and services - real wealth - the deeper its people are plunged into debt, the less Canadian incomes will buy, the less the dollar is worth in its buying power and the more savings are eroded. Moreover, the more wages and salaries are increased to compensate for the inflation, the worse the inflation becomes, because all wages and salaries are included in prices as production costs. So wage and salary earners can never improve their lot and it is useless for them to strike to do so.

However, in this bizarre state of affairs, the banks continue to prosper.

The next thing to note is that these fantastic conditions are not confined to Canada, but are common in a greater or lesser degree to all countries operating under the same money system. The conclusion is inescapable - there must be something radically wrong with the money system - a man-devised means intended to facilitate the production of goods and services, and their distribution and exchange, but failing miserably in that purpose.

Most Canadians are uninformed on how our money comes into existence and is issued to people. Moreover, they are unaware that this is the greatest monopoly racket of all monopoly rackets.

### **These, in summary, are the facts:**

I. There are two very different kinds of money - tangible and intangible. The tangible money consists of paper bills and coin which is issued exclusively by the Central Bank - the Bank of Canada. The intangible money consists of figures in the records of the banks and is transferred from one banking account to another in payment for goods, services, investments, etc., by means of cheques. This intangible - or financial credit - money represents over 80% of the total money supply and is created and issued by the Chartered Banks.

II. That which is physically possible and desirable in the national interest be made financially possible - resulting in the abandonment of high interest rates, inflation and uncontrolled pyramiding debt.

Many articles by various authors during the past two or three years have dealt with this System of Banking until we should now know that it is the System whereby Banks do not have to keep a reserve of 100% on hand to pay their customers the money which is deposited with them. Thus, in today's banking plan, there is no way in which a Bank can pay out ALL of its deposits at the same time. If the people of Canada (or any nation using modern day, Fractional Reserve

Banking) were to lose confidence in the Money System to the point where large numbers of them were to demand withdrawal of their money at the same time, that Bank would FAIL, or be unable to redeem its deposits. This is a fact in spite of all of the Deposit Insurance Plans, or other arrangements which banks make to assist each other.

According to the Bank of Canada Review of March, 1982, the Canadian Money Supply has increased to the point where we now have \$167,030,000,000.00 (at Dec. 31, 1981) in all positions in Canada. This includes ALL Bank accounts in Canada, and all cash in hand which all of us have, which is called the "Private Sector Float". Remember, there is no way for any Money Supply to come into existence EXCEPT as a debt, or a loan from a Bank to someone, Individual, Business, Industry or Government. The original borrower of ALL of this money is paying interest on it, from the moment of loan to the time it is repaid to the Bank. If the average interest paid is only 15%, the borrowing cost to Canadians for this huge debt is \$25,054,500,000.00, or an average of \$1,000.00 for each person in Canada, If you personally do not borrow, you are still paying your \$1,000.00, for the borrower must have charged his interest cost into the price of his goods or services, which means you are paying it in inflated prices. This is the reason why it is impossible for us to "lick inflation" so long as interest rates remain high. All of the politicians notwithstanding, either voluntary or mandatory wage and price controls will have little effect so long as interest rates are not reduced.

It is imperative that we make this point clear. ALL Money is DEBT. Our Money Supply now stands at a record MORE THAN \$167 Billion Dollars. The cost for us to have this Money Supply is MORE THAN \$25 Billion Dollars per year, or \$1,000.00 for every man, woman and child in Canada. We ALL pay this cost for the use of our Money Supply by Interest on the Money (Debt) which we borrow AND BY INFLATION, In times past, considerable of the world's business was done by "barter", the trading of one good or service for some other article or service which we needed. As business has grown more sophisticated or complex, it has been necessary for our Money System to improve, or grow up, and this has resulted in the growth and development of our modern banking system. It is not surprising that flaws have developed as the System has grown and developed. Perhaps the greatest flaw is no provision has been made for a supply of money to come into existence in any way other than as a debt. To take a very simple example, if a bank lends a thousand dollars at 10% interest, in one year it will cost \$1,100.00 to repay it. No money however has been injected into the hands of the community to repay the interest accrued, and so the borrower must pay back the original loan PLUS THE INTEREST OF \$100.00. Our System has imposed an impossible task upon us, for as the whole Money Supply of the Nation has been borrowed into existence, the interest has NOT, and so we are constantly building up a huge and ever-increasing DEBT. Not only is it a fact that ALL MONEY IS DEBT, but DEBT MUST KEEP GROWING. Therefore, the SYSTEM MUST BE CHANGED.

If we agree, as I believe we will, that the change must be from our present *Fractional Reserve System to a FULL Reserve System*, we must look at the problems which we will encounter in making the change, and avoid anything that will be detrimental to people of the Nation and/or the economy of the Nation. There are two very important points to consider:

- 1) The Individual, Business, Corporation or Bank property in Money. In making the change to a Full Reserve System, no one should lose any of his monetary property;
- 2) The mechanics of the change must be designed so that business, industry, and complete affairs of everyone, all commerce, deals and dealing may carry on smoothly and without loss or detriment to any person or his business or operations. The fear of disrupting our present economy and on-going operations seems to be the greatest stumbling block to making the changes that will benefit all of us.

Let us first look at problem number one. Property in Money, and let us bring it right down to the individual, you and I. All of us have some money, either the cash in our wallet or pocket, or a bank account. We have a fear that if government starts to do something with the Nation's Money, we will lose, and we remember tales of post German war times, how that in the 20's following the first world war Germany's money became worthless. I remember a man who worked for us told how his father did not believe in banks, and kept his money in a ten gallon cream can. He said that during this period of history, the cash money got so worthless that the cream can was worth more than the money which filled it. We remember tales of how housewives had to take large bundles of money to the store to buy one loaf of bread, or one egg. As we look at inflation now, we wonder if such times will come to us, and we don't want our money to become worthless, either our cash or our individual bank accounts. Such conditions would not only be disastrous for all of us as individuals, but the source of our income could also suffer or disappear, and if we are in business, such conditions could be our ruin. Any change FROM the Fractional Reserve System must guarantee that our property in Money does not lose its value, otherwise people cannot be expected to support the change.

Looking now at problem number two our present economy operates fairly smoothly, although it may be hard to convince some of the many who go bankrupt, or who are in the ranks of the unemployed that this is so. One who has worked hard all his life, and paid his monthly home mortgage payments on time, and suddenly finds that through no fault of his own, he must now part with his home, or other possessions, becomes embittered. If we were making Democracy, and the Free Enterprise System work, no-one would turn to Socialism, or Communism, but we are NOT making our System work. The reason it is not working is our antiquated Money System. There is nothing wrong with production, and certainly not with Consumption. Also, there is nothing wrong with the physical means of getting supplies from the producer to the consumer, or the physical means of communication between producers, distributors, and consumers. All will agree that the problem lies with the Money System which we must use in the business of exchanging goods and services. Some will say that "All that needs to be done is for the Government to pass a law requiring the banks to hold a reserve of 100% of their deposits". It is

not that simple. It is necessary for business to carry on during any period of change, and the big problem is to do this without undue hardship on either business, industry, trade and commerce or the individual. This then is our number two problem.

Mr. Alma Hancock has studied our present system in great detail over many years, and as many of you, come to the conclusion that the Fractional Reserve System is outdated and **MUST BE CHANGED**. In looking for solutions, he says, "I have studied every Plan that has been brought to my attention, including the Hallat System, the Kelso Plan, Social Credit, Direct Credits, the Albus Plan, Socialism, Communism, and many others. If you know of a Plan that I have not heard about, I would be very pleased to hear from you, No matter what Reform Plan we decide upon, we must move from where we are (Point "A") to where we are going, or the new Plan we choose (Point "B"). We must make this transition with the two points I have mentioned in mind, and find a way to do it smoothly, compatible with all business and persons of the community of the nation, so that in so far as possible no one will lose any part of his property or fail in his operations. This is so very important that I want to emphasize it **BEFORE** a discussion of the actual mechanics of change. **PLEASE** give it a lot of thought yourself. How do **YOU** think it can be done? Keep in mind that such a change, no matter to which System, will be vigorously opposed by those who stand to benefit by the present Fractional Reserve System. Remember, if we are to make a change we will have opposition from the Money and Financial Systems of the whole world. **THEY HAVE POWER**. They are determined to hold fast to the position of **POWER** which they now have over **ALL** men and **ALL** Governments of the world. Only by following a very subtle plan can we win, but **IT CAN BE DONE**."

The Conservative approach to the financial crisis last fall in Alberta was one of subsidies, and while it is beautiful for those who are eligible, it has the failings of all subsidy programs. There are more who are not helped than are assisted. Secondly, the cost of administration of subsidies is high, right through from the cost of the broadcast to the bureaucratic administration cost of determining who is eligible and who is not. A third failure is that the entire cost of this program will come from the pockets of the taxpayers, and so while Lougheed indicates that it was **HIS** government's program the taxpayer who is already overburdened is the one who is meeting the cost, **NOT** the P.C. Government.

For those who criticize me for unfavourable comment about this program of the Premier and the P.C. Party, let me hurry to suggest that I do have an alternate program to offer that would benefit **EVERYONE**, be simpler to administer, and cost nothing to the taxpayer. It is a combination of using the Treasury Branch System, and the Heritage Trust Fund. Ten Billion Dollars of the Heritage Fund could be "Detoured" through the Treasury Branch, where it would appear as a Cash Asset, balanced by a Heritage Fund Equity on the Liabilities side. Most of this money could remain in its present earning position. This new Heritage Cash Asset would be a Cash Reserve, upon which the Treasury Branch could loan One Hundred Billion Dollars at 5% interest, and this earning of Five Billion Dollars per year would double the Heritage Fund in each two year period, without spending one cent of the Heritage Trust Fund. The loans would only be made to Albertans who meet residency requirements for homes, small business, farms, and

other well secured personal and consumer loans. Treasury Branch machinery is already set up to administer it, and the spin-off would help everyone in Alberta. Soon Alberta would be the financial capital of the west and all westerners would benefit.

We in the Western Federation (the newest federation in the world, once formed) must, in our federation, insist that we in the west have the right to create a new monetary system for our western economy, the other regions if they so wish can carry on with their monetary system. I can assure you that once our proposed monetary system is established, our western dollar will be higher in value, and our cost of living will reduce, while we will and can enjoy a much higher living standard than any nation in the western world or in fact the whole world. *Let's face facts.* To those who refuse to face up to the suffering and despair that largely results from our futile money system on the ground that we are living in an "affluent society" we would remind them of the following facts:

1. Millions of aged people are living either on or very near the poverty line, and a large proportion of these require assistance.
2. Millions of people still live in slum conditions; thousands of families are homeless; millions are living in drab and dilapidated homes.
3. Many thousands go bankrupt every year.
4. Many thousands commit suicide every year.
5. Many thousands are in prison for debt.
6. Over one million are unemployed.
7. Millions are struggling to make ends meet in this age of galloping inflation, especially those with small fixed incomes.
8. Foolish and disastrous economies are made where health, education and vital public services are concerned.
9. A large number of united appeal budgets have not been reached to help the handicapped and needy (all of which are physically possible).

## **THE WESTERN FEDERATION PARTY OF ALBERTA**

The immediate thrust then, for the Western Federation party or parties, must come from Alberta as we are financially independent and strong. Then with conservative policies of private enterprise, freedom, liberty, democracy, the importance of the person, the home, and with people control of education rather than professionals, a new monetary system which emphasizes profit in the natural industries just outside of town (who are the only producers of new wealth), control of and selection of candidates by the constituents (instead of by parties), recall, fixed term governments, free votes in Parliament, equal pensions for all including MLA's, and using our heritage fund to establish Alberta as the financial capital of the west, with low interest loans and rates for Albertans who meet Alberta residency requirements. We can, with the above policies spelled out, become the next government of Alberta, and the catalyst for a

Western Federation which can and will break the political power structure of Canada - or failing that, independence at some future date so we can be masters of our own house.

As mentioned earlier, we must convince the people in the four western provinces to agree to a western Federation, and as there is really only one party in Alberta and a large political void waiting to be filled, the writer sees no other alternative than to form a new Alberta party, We must establish a true Western Conservative Right Wing Party, which is not affiliated with or controlled by Ontario.

You may ask why - as we have a Conservative party in Alberta; let us talk about the Progressive Conservative party both national and provincial. (The same applies to the N.D.P., Liberal or all national political parties.)

Before the last census Ontario had 95 seats in Ottawa, Quebec had 75, the Western provinces together had 77, the Atlantic provinces had 35 seats. (Incidentally this last census gives Ontario and Quebec 10 more seats than the West.) Ontario then has the choice of aligning themselves with the West or Quebec to assure themselves of control. They could if they wish align themselves with us and still create a majority.

However as we are fearlessly independent they would have trouble with us and may not be supreme. History has proven they have chosen to align themselves with Quebec which is not financially secure, is more interested in Culture and Linguistics and is Nationalistic re: their French Connection, (Ontario therefore votes Liberal in national elections, although for years and years they voted Conservative provincially.)

All Ontario or the Bay Street moguls have to do is cater to Quebec's wishes, keep pouring money into the province (taken from all Canadians) and maintain the Quebecois good will and they will have 95 seats plus 75 from Quebec. They then have 170 seats and control. They can even lose 28 seats and still be in control without winning another seat in the rest of Canada.

You may say 'but the Ontario people can't be blamed' - I say Ontario is ferociously protective of its own welfare, its position of power; it loves it.

I have been involved for many years in the east-west struggle and will give you illustrations of how Ontario and its power block treats the West. First we'll relate the barley situation.

## **BARLEY AT WHAT PRICE**

The grain market is discussing barley these days – much more so than wheat. With Canada's barley supply at a record low and the 1980 harvest rather uncertain, the Canadian Wheat Board has had to cut deliveries to the export market to assure an adequate Canadian feed supply.

It is common knowledge that the Wheat Board would like to withdraw from the domestic markets because of the requirement that the Board sell at corn competitive price. Every tonne of western barley shipped east to the eastern feed market is costing western shippers up to \$40, or the premium available on the export market.

Recently there has been pressure from organizations in Ontario to achieve export permits for Ontario - produced barley. The Canadian Wheat Board refused

to grant these permits. Export prices of barley have been in the \$182 per tonne (\$3.96 per bushel) range basis Thunder Bay. The Board's domestic price at Thunder Bay has been about \$140 per tonne (\$3.04 per bushel) and the open market price is less than the above, If the barley was exported from eastern Canada, it would be replaced by western barley at lower than the export price. The Board has supplied about 1.5 million tonnes (69 million bushels) each year into the eastern feed market. This has happened since a federal formula of 1974, the famous feed grain policy, which states the Board must offer barley (feed grains) at Thunder Bay at a price based on the American corn price.

The policy was intended to ensure that an equitable pricing system was established for all grain growers and livestock feeders, **but In mid-September, the federal cabinet ordered the Board to release 30,000 tonnes (1,377,900 bushels) of Ontario barley into the export market.**

**Should the Canadian Wheat Board be required to supply feed grains if the eastern grown feed grains are going to be marketed outside of Canada at a considerable price advantage over the dictated domestic price for the benefit of Ontario farmers?<sup>1</sup>**

*See reproductions of "Telex Messages" and "Letter from Canadian Wheat Board," on pages 118 and 119.*

1. *Alberta Wheat Pool Budget, October 10, 1981.*

WHEATBOARD WPG

AGINTLMKTG EDM

4:50 PM

DEC 1 1980

ATTN E JARVIS

READY MARKET AVAILABLE IN MONTANA-IDAHO FOR ALBERTA BARLEY. TO  
*HELP* ~~OUR~~ OUR PRODUCERS, REQUEST THAT YOU NOW ISSUE BLANKET EXPORT  
PERMIT FOR 30,000 TONNES.

D W SCHMIDT  
MIN. OF AGRICULTURE  
ALBERTA

END/DW

TELEX 2

## The Canadian Wheat Board

TELEX 2

DATE December 2, 1980

AGINTLMKTG

HON. D.W. SCHMIDT  
MINISTER OF AGRICULTURE  
GOVERNMENT OF ALBERTA  
EDMONTON

JARVIS CURRENTLY OVERSEAS. HAVE MADE VERY HEAVY COMMITMENTS  
FOR BARLEY EXPORTS THROUGH TO NEXT JULY. THEREFORE NOT PREPARED  
TO ISSUE EXPORT PERMIT FOR BARLEY TO MONTANA-IDAHO. IN ANY  
EVENT WHEN BARLEY IS AVAILABLE IT MUST BE PURCHASED FROM THE  
BOARD AT OUR EXPORT PRICE.

R.L. KRISTJANSON

RLK\*jj

# The Canadian Wheat Board

4652-10th Street, Vancouver, Canada  
P.O. Box 1110, Postal Centre 1C 2G5  
Area Office, 204 Telephone 547-3418  
Cable Address: Wheatboard / Telex 07 57001




W. E. Macdonald, Chairman  
R. E. Macdonald, President  
G. H. Macdonald, Vice President  
J. L. Macdonald, Secretary  
P. M. Macdonald, Treasurer

August 24, 1981.

Memorandum to Mrs. Evans:

Re: Domestic Feed Grain Sales

As requested in your memorandum of August 14th attached please find a table showing C.W.B. completed sales for crop years <sup>1969-70</sup>~~1973-74~~ through 1980-81 and the off-board commercial disappearance for crop year 1974-75 through 1980-81.

  
C. E. Landry,  
Director, Coarse Grain Sales,  
Sales and Market Development.

CEL/cm  
Atts.

cc: Mr. Spafford

## OFF-BOARD COMMERCIAL DISAPPEARANCE

### DOMESTIC FEED GRAINS

(Thousand Metric Tonnes)

To Eastern Canada

Crop Year	Wheat	Oats	Barley	Total
1974-75	589.2	347.3	126.4	1062.9
1975-76	612.0	319.9	629.4	1561.3
1976-77	659.3	391.6	656.5	1607.4
1977-78	532.6	314.3	685.3	1532.2
1978-79	685.3	262.0	1013.6	1960.9
1979-80	608.4	263.1	933.1	1804.6
1980-81	514.0	226.7	126.8	1467.5

August 24, 1981.

How come this did not go through board?

We, in the west, must sell to Ontario at \$40.00 per tonne less than world prices. They buy our barley at internal rates and sell their own barley at \$40.00 per tonne profit. The west suffers. What's new?

I am a veteran so I belong to the Legion and the Army and Navy veterans, I also have been involved in the Canadian chamber of Commerce, the Kiwanis Club, the Federation of automobile Dealers of Canada, the Canadian Association of Equipment Dealers of Canada and the Conservative Party. All have national and provincial organizations.

It is *the will* of Ontario (because of the larger number of delegates at conventions, at board meetings, on committees) which will always prevail. I have been along and involved in many such meetings and no matter what resolution or suggestion which we from the West presented, it was defeated unless Ontario delegates could see it as being good for Ontario. As there is nobody either in politics, parties or governments or in the other national organizations which have regional equality, Ontario by its manipulation of other regions remains, and remain it will, because it has control, and the will to exercise that control. Until someone can devise a way to neutralize Ontario's power it will always be in control.

Now for one example - as a director and also a vice-president of the Automobile Dealers Association of Canada many years ago, I was confronted by a real problem. I am sure that you must realize that Ontario, with its large population, would sell the largest number of automobiles, they would then have the biggest dealerships and more of them. The factories used to have A.B.C.D. discount structures. This meant that the larger the dealership, the more cars and trucks they would sell, the discount or margin of profit would increase, and the cost of the car to the dealership would become less.

To put it very simply, the large dealership in Ontario could buy cars up to 3 and 4 hundred dollars cheaper than a smaller dealer could buy a like model. The factories insisted on shipping all new cars to the west by rail.

Ontario dealers saw their advantage; all they had to do was buy a large number of cars, even more than they could sell in Ontario, to assure themselves of the largest discount. Then of course they had to sell these extra cars. So they decided to sell them to the colonies out west.

**So here was the double whammy:**

- i) they as large dealers bought large quantities at the best price;
- ii) instead of shipping them by rail so a westerner would get a brand new car, they drove them out using anyone who wanted a cheap ride from Ontario to places in the west as this was cheaper than by rail.

Ontario dealers then landed these cars at various service stations and used car lots in the west at a lower price than a bona-fide dealer could buy and ship a new car west. The result - buyers received a car with apparently no mileage, as the odometers were disconnected in Ontario and reconnected in the west. The western buyer received a supposedly new car, but in fact one which had been driven at least 2000 miles by some unknown.

Western dealers drew this to the attention of *Ontario manufacturers* and discussed it at conventions, in committees, at board meetings for many years. We were going broke and consumers were really getting used cars. We called the practice bootlegging and cross selling and cheating buyers of new cars.

While I was director and Vice President we managed to get the Practice stopped. It took me four years of planning to break the Ontario power structure.

We did it this way: the mid term National Board Meetings were usually very easy going.

I was fortunate in convincing the unsuspecting board of directors that I had an urgent request. I convinced them that it was embarrassing for the Saskatchewan director (me) to always have our resolutions turned down by the Board (it was dominated by Ontario delegates, past directors, past presidents, etc.). I explained that the people in Saskatchewan didn't think I was trying hard enough. Would they agree to allow directors whose resolution was turned down by the board to personally bring back the resolution as a motion from the floor, and then the natives back home would know that we had really tried. In this lazy midterm session it was approved. I'm sure they felt, oh well, nearly all conventions were held in the east, Ontario saw to that, any motion detrimental to Ontario would be defeated especially if the Ontario directors let their thoughts be known, so no problem, let's let this poor colonist have that. There is no danger.

A few months later we were deciding where the convention site for two years from then would be held. I suggested it should be held in Victoria, a beautiful, quaint city with nice weather and nice scenery. They finally agreed. I began planning and promoting the Victoria Convention to Western Dealers, because the one concern the Eastern directors had was that as dealers in the west were small and not very wealthy the convention might be poorly attended.

Western Dealers came in droves. I knew my next step. I presented the same old resolution to the Board of Directors for equalized freight and abolition of the sliding discount. It was of course rejected because the Ontario directors, etcetera were there. They didn't realize as I did that this convention was different; those fat cat Ontario dealers were there but not the smaller Ontario dealers.

I was prepared and presented the resolution from the floor, western dealers heard me make the plea for the west, someone seconded the motion. The Chairman (an Easterner) tried to overrule me, or shelve the motion; he couldn't and we carried the motion. We had broken the power structure for that one issue. Needless to say they changed the rules the next meeting but that resolution in 1960 has meant cheaper cars and millions of dollars of savings for westerners and new cars with no mileage for consumers and profitable and large dealers in the west. Why was Ontario against equalized freight? Well, the formula to equalize freight on cars meant an increase of \$25.00 per car in the biggest sales areas, Ontario and Quebec, which would result in three, four, or five hundred dollars of savings from the Ontario/Manitoba border and west. Ontario did not want to pay that extra twenty-five dollars.

You say the Ontario people wouldn't do that, they didn't know that it was just the Auto Dealers? I say balderdash - it is and was the Ontario people! What else can you say and believe when in 1979 the progressive Conservatives brought down a budget which would pay the west 18¢ per gallon more for gas. That budget defeated the nine month old Conservative Government; the people of Ontario voted Liberal, brought back Trudeau and his gang and the last three disastrous years for Canada for 18¢ per gallon.

This was not a handful of dealers or a few politicians, it was hundreds of thousands of ordinary Centre of Canada Citizens. I say yes, they relish covet and want the power at the Centre.

What do they do for us? The Central Government buys approximately 350,000 barrels of crude each day, approximately ten million dollars worth per day. They tax all Canadians in order to pay this just to reduce the price for eastern Canada and keep it on par or in some cases less than in western Canada. They could reduce taxes and costs by half that amount if they bought western crude, but that would mean the five to seven million dollar savings each day would stay in Canada and reduce taxes for everyone, but it would also mean that Alberta, Saskatchewan and British Columbia would get that money, and that's a no-no.

But, you say, the average person in Ontario doesn't realize this. Then why does the average Westerner realize it?

The power at the centre needs the Quebecois vote; they must feel at home all across Canada, so billions and billions of dollars must be spent to keep them happy. We must become a bilingual West to accomplish this, while they, in Quebec with Bill 101 are unilingual; signs, names, everything. They are not called bigots, rednecks or racist, but if I should say, "Let them be unilingual, that's their prerogative; I want to be unilingual in English", then I become all those nasty things, even though many of my closest friends are of French origin.

You say the people of Ontario are not like that? They say we must become a Metric Nation so our (Ontario) manufactured goods will be more readily acceptable to world markets. We don't want it because this great west was surveyed and built on the Imperial Measurements, our roads are straight and true - one mile apart, our sections of land are square - one mile by one mile, our townships are 36 miles square, and our machinery, our tractors, for the next twenty-five years as they wear out will be repaired by lathes, milling machines and tools which are in the Imperial Measure. Our neighbours to the south use the Imperial Measure, but who wins? Regardless of the cost, naturally the power at the Centre, Were not saying they have no right to do as they please in their regions, but that we should have those same rights in our region. It is time, indeed past time, that we must and will control our own region. With a Confederation of Regions, we may stay as a unit with equal rights. But we will not stay with the status quo and a second or third class citizenship.

I said all this at the Pierre Berton televised Great Debate, which I won and was booed. The audience asked what they, as the people of Ontario could do to help hold Canada together, I answered, "Convince twelve or thirteen of your Liberal MPs to walk across the floor, defeat the Liberal Party, and then we'll talk about it", I was booed again. The average person in Ontario the power centre likes it as it is. They are the all-wise parent and we are the youngster who still has not earned the right to say NO.

I often tell this story: Once there was a very large family in Ontario. No matter how they tried, they were unable to make both ends meet. The oldest son finally said, "I'm going out west to try my luck". His father and mother said, "Son, we wish you well, and if you make some money, send part of it home to help us pay our bills". The son promised he would.

For years he sent one third of his salary back home, but in spite of his efforts the family at home continued to go into debt because of overspending. The son out west eventually met a young lady and he wrote home, saying, "Mom and Dad, I've met a very nice girl out here, she's even from Ontario, and we plan to marry and build a home out here. I'm unable to send any

more money as we need it out here. I know we will suffer hardships, this is a rugged area, but we love it here and want to raise our children in this vibrant west."

Shortly thereafter the son received a reply.

"We raised you, we taught you, we paid for your schooling; you appear to have forgotten all these things. We expect you to continue sending one third of your pay to us, and if you don't we will garnishee your wages. We have the power, after all, we are your father and mother."

That is the story of the Western people and we say, as I'm sure the son would have said, "We have had it - no more! We refuse, we are grown up, we've earned the right to say no."

In my years on the various boards there have been thousands of such east-west confrontations and usually the Ontario delegates and directors have won. They won against Lougheed - we are taxed to keep energy and gas and oil cheaper for Ontario. When did they pay anything for us?

The same thing is happening in the formation of national policies for labour, industry, government and parties and it is not possible to break that stranglehold. So the Alberta Provincial Conservative Party is indirectly controlled by Ontario as provincially and federally they always have similar policies and those Policies are controlled and set by Ontario, and so it is with the Canadian Legion and all other national organizations.

*Politically* then the Western Party which I propose must start here in Alberta and must be independent of any national party. We must break the power structure, by forming a Western Federation as the first step to Self Determination for the west. It just does not solve our problems by electing Conservative MPs, because as long as they are in the opposition the National Progressive Conservative Party will make them accept policies pushed through by the Ontario Conservatives (in order to entice the Ontario voters to vote Conservative). And when they get in power, most of the MPs will come from Ontario, so nothing has changed even if the Conservative Party should win. We are still controlled by Ontario.

The Central Canadian government in Ottawa is continuing to impose powers akin to those of a master over a slave upon the people of Western Canada. Westerners do not have enough votes to protect their rights and resources against any Ottawa regime with support in Ontario/Quebec. The Prime Minister's new constitution, a naked power grab, will leave the West even more vulnerable.

Each Province of Canada has the right to withdraw the powers given by the Provinces to the central government under the British North America Act. The sovereignty of each Province has been established by the Courts (Liquidators of the Maritime Bank vs. the Receiver General of New Brunswick (1892) A.C.437). The overriding natural law to which all men and governments are subject requires that "governments derive their just powers from the consent of the governed." The Atlantic Charter, to which Canada is a signatory, proclaims that "all people have the right to choose their own form of government ..." The present Prime Minister of the central government has confirmed that Quebec would be allowed to secede from Canada and, therefore, every other Province has the right to secede.

We in the West hold that each of the four Western Provinces should withdraw all powers of government from the Central Canadian government and form a new Federation among themselves. The steps to independence would be as follows:

**STEP 1** - Under the leadership of Alberta, the people of each Province will petition their Provincial Government to hold a referendum asking the following question:

"Do you wish the people of Alberta (Manitoba, Saskatchewan, British Columbia) to withdraw all powers of government over the people of Alberta from the Canadian central government?"

**STEP 2** - Once the referendum is successfully passed, a constituent assembly must be elected, with one delegate from each provincial constituency. The constituent assembly will draw up a constitution. One of my suggested requirements is that the new country must be a true Federation, giving well-defined regional powers to the people of each region and Provincial powers well defined for each Province.

**STEP 3** - The constitution must be ratified by a substantial majority and approved by the legislature of each Province. The people will choose the types of laws and governments that they prefer. We insist only that the people of the West be able to make their own decisions through their own constituent assembly and their own legislatures. The unitary form of government now being imposed by Ottawa is unacceptable. We demand self-determination government based on the consent of the governed.

## **THE NEW WEST**

What sort of country would the West be?

The question often startles people at first. But when they think about it, the West's wonderful potential is a fascinating prospect.

Consider these advantages. The West has one working language and a unified culture. Our economy is much the same across our land - resource-rich and under-industrialized. So the same basic economic policies would satisfy all the West.

Of course our nation would be democratic. Unlike Canada, no one region would have enough population to dominate the rest and rig the rules in its own favor financially. Further, Westerners respect hard work and efficiency. The individual would be encouraged to achieve and allowed to enjoy the results of his labour, without being stigmatized as somehow anti-social for his success.

Once our surplus revenue was reinvested here (rather than being drained eastward), Westerners would have the capital to diversify their economy. Our natural wealth would be buttressed with manufacturing industries much like those built by other medium scale economies such as Sweden, Holland and Switzerland. Westerners would face almost an explosion of opportunity in every field from medicine to music. Their achievements would guarantee a wider, more secure living for their children and grand-children.

## **THE DREAMERS**

Pessimists scoff at the independent West. But the West was built on dreams. Only people of real vision would have tackled the rocky Pacific coast, the frozen tundra of the North and the trackless prairies. That same drive and dedication is required of us once more.

We must first face what Central Canada has become for us, a deadweight. Its bloated government and inefficient industries demand more and more cheap raw materials in exchange for overpriced manufactured goods and services. The West has no more purpose, economic or moral, in being tied to Ontario than Ohio.

Understanding is a matter of more than words, Money is needed for detailed research. The facts must be communicated to the Western people on paper. Only when the majority understand our predicament and the opportunities offered by independence will the true meaning of freedom be grasped.

Understanding alone is not enough either. The West needs people of action to defend it. Every generation faces challenges to its liberty. Westerners are fortunate - we need soldiers of truth rather than blood. The call is for what is best in humans: work, generosity and responsibility. Our mission is success.

## **NOW, NOW, NOW**

The rape of the West and its people's resources is no theory, nor an idle complaint. It's a fact of economics and history. The names of our earlier defenders echo across time like battle cries: Riel, Poundmaker, CCF, United Farmers and more. Their struggles against Central Canadian exploitation sparked the social reforms that are this country's proudest achievement. But they could not stop the flow of wealth eastward. The West just did not have the votes.

We still don't. And the hemorrhaging of the West's wealth in Central Canada has never been greater. The fixed prices, the discriminatory tariffs, and the traditional paraphernalia of expropriation is being worked more vigorously than ever before.

To top all, Trudeau is forcing a new constitution onto the West that locks us in our colonial status forever. Together with Ottawa's energy policy, this constitution makes clear that our resources, our economy and our way of life will be thoroughly subjugated to the will of Ontario/Quebec.

The West is loyal to the old values, the virtues that built our land, but we demand a new economic order. Central Canada rejects the old values and rejects a new economic order. Only the naive believe that a middle ground can somehow emerge from the backward, bureaucratic society of Ottawa/Toronto/Montreal. The West must fight or accept its humiliation.

The Western Federation Assembly should be made up of 12 Notables, elected from each province. This would mean that each province would be divided into 12 areas of approximately the same number of voters. Elections would be held in each area to elect Notables to represent the people in each area and also their particular province.

There should be no parties in this first regional assembly, but each Notable must be a person who is at least 50 years of age, (Because the first 20 years of our lives are spent mostly in

learning and not many are knowledgeable in the real world of politics until they are 30 years of age. We have had socialism gradually imposed on us since 1960. Therefore in order for a Notable to even remember the freedom we once had and try to re-establish those freedoms, we must recognize that we've had Socialism imposed for 22 years, 1982 minus 22 years is 1962, minus 30 years to grow up and learn means 1932, which means a Notable acquainted with what we had must have been born in 1932 or be 50 years of age.) The Notable must be a property owner, i.e. farmer, businessman, professional or labourer who has served, or is serving, in an elected capacity in the province of residence. The person so elected must be financially solvent as the honourarium should be based on a per diem basis and to a degree will be part time (a statesman role) dealing only with Western Regional policies delegated to them by agreement, from the four provincial governments.

They will of course as "Regional Assembly Members" deal with all matters discussed with the other regions of Canada, i.e. Ontario, Quebec and the Atlantic provinces.

The only full time paid "Regional Assembly Member" will be the Chairman who will be elected by popular vote from all four provinces and he will be the administrator of the staff which will man the offices of the Regional Assembly and will cast the deciding vote in case of a tie at Regional Assembly meetings.

The Notables to be elected for a four year term, except for the first assembly when twenty-five percent, or three from each province are elected for one year, three for two years, three for three years and three for four years to provide a format for an ever-revolving and responsive assembly, uncontrollable by organized groups.

Regional Assembly members as stated above are elected as individuals with a notable record of public service and as such will be able to vote their area and provincial wishes.

The Regional Assembly building should include, besides the Assembly room and committee rooms, residency provisions and full free lodging, food and amenities while in session, plus travel expenses, thus the per diem rate can be fixed at a very low rate.

The term of each assembly member including the chairman shall be a maximum of two four-year terms, with fixed dates for elections and a simple, quick Recall System initiated by each Notable's own area. In our new west we must establish independence for the member in the Provincial Government so they can vote on issues on their own terms and according to the wishes of their electorate. A method must be found so that the member's loyalty is to his own constituents and this can be done by establishing fixed terms for each government and establishing laws where bills in parliament are debated and passed or rejected without a rejection of a Bill, meaning the defeat of the government. Care, of course, must be taken so that associations or cabals are not formed to obstruct parliament completely so some study must be given to this before implementation. A quick Procedure of Recall by constituencies could make members responsible.

The present country according to the Supreme Court is a country formed by 'Tradition, Custom and Convention' (they did not say by Federation). Let's change that to a 'Federation of Regions' (with almost total "regional self-determination") and then with governments closer to the people, responsible to the people, and we as the People becoming active in the democratic process, shedding our apathy and remembering "we must fight for freedom while we still are free", we

can form the best country in the world; failing that, an Independent Federation of Western Canada and Self Determination.

\* \* \* \* \*

In this book I have tried in a few pages to tell the truth of what has and has not been done in Canada, and also in a few pages tried to write and tell of some of the hopes and aspirations, of the freedom-loving people from many distant lands who settled this great west.

Before I close let me put into print some of the problems and concerns I have about the future. I must state that in my opinion, the single most important event in the world, the event which created the biggest explosion of knowledge, freedom, liberty and enlightenment of people, was the invention of the printing press. This invention began pouring out copies of material and allowed the masses to learn about the world. It enhanced education, made possible the Christian era and the enlightenment of the masses. It freed the masses from the oral teachings, superstitions and fears, and gave them the knowledge which created the biggest explosion and forward movement the world has ever known.

No other single event changed the face of the earth, the direction of mankind, the health, knowledge, growth of freedom, and the fantastic developments of our western civilization more than the invention of the printing press.

If this event could transform western civilization and free it to the degree that it has, why are we now drifting backwards into fear, suspicion and control again? Technology, learning and knowledge are advancing, but are wisdom and democracy keeping pace? Or are the self-serving world leaders taking us back under control, back into slavery, by the elimination of the free press; back into subjugation through the control of the press? Is this control by the one-worlders, by the money men who have entered the great temples of the world like the Pharisees and money changers of Christ's time, now controlling our thoughts, our very way of life?

The writer believes this is happening, and the self-same secret wishes of the old proponents of oral control (the money changers and secret organizations with their unpublished aims and objectives), are now manipulating us, taking away the freedom of the individual by the control of the very event which set us free to develop this great western Christian society and era - the greatest civilization the world has ever known.

The press, under the control of a few self-appointed secret and restrictive organizations, now tell us what they think we should know, control world finances, money supply and interest rates. They dictate to presidents and nations. They are able, with the control of the press, to control us and stop our efforts to express our concerns.

They deceive and manipulate us, cause wars, finance their followers, and even finance both sides of conflicts, and they control the outcome of such wars and the events which follow.

There are two major, easily identifiable forces at the top, both working towards the same end. One force believes in controlling the nations and thus the people, the other in controlling the people and thus the nations - both striving for world government and control. But the above will

have to be clarified in another book as I will have enough trouble with the controlled press with what I have said already. Suffice to say that the writer believes that there are enough concerned and knowledgeable people in the western part of Canada that once we decide to organize, lay aside some of our own individuality and petty differences, that we can create an army of dissent, a movement willing to begin the destruction of these controllers and manipulators, free ourselves from the bonds they are trying to bind us with and once again, as sons and daughters of our great pioneers, stand tall, strong and united for freedom, liberty and self-determination.

I firmly believe "*more is needless, less is worthless*".

Elmer S. Knutson

\* \* \* \* \*

The beginning of Slavery is a point when self-determination is no longer a right. There are many areas in our lives today which are beyond self-determination. "Big Brother" or creeping socialism has taken self-determination away and whether we recognize it or not, we are losing more and more freedom each day and becoming more and more a slave to bureaucratic control. Do we want to become slaves? I say no - "We must climb every mountain, ford every stream until we reach our dream" and it must start now in the west, and by us.

Yes, I personally am prepared after a Western Federation is formed to give one last try to reconstruct and unite Canada. But the truth is, I do not hold out much hope. The strength will only come if Ontario perceives us as being serious. I am serious, I want a quick Solution. I want equality or Independence and Self Determination. That is my right. It is the legacy our forefathers handed us; we must not fail our future generations. Our Duty to them is clear.

## THE CONSTITUTION OF CANADA

The Letters Patent granted by the Lord High Chancellor of Great Britain to governors-general of Canada state that they are the constitution of the government.

The British North America Act *constitutes nothing*, but simply provides a means whereby the governor-general may provide auxiliary public bodies to "aid and advise" him in governing the colony.

These Letters Patent were nullified by the enactment of the Statute of Westminster in 1931.

As the British North America Act cannot be implemented without a governor-general, the bureaucrats in Ottawa, in order to perpetuate themselves in office, decided to appoint a governor-general and draft letters patent granting to him the government of Canada.

Following are the Letters Patent signed by the Prime Minister of Canada.

**Effective Oct. 1, 1947**

George R.

CANADA

GEORGE THE SIXTH, by the Grace of God, of Great Britain, Ireland and the British Dominions beyond the Seas KING, Defender of the Faith.

(SEAL)

To all to whom these Presents shall come,

GREETING:

Whereas by certain Letters Patent under the Great Seal bearing date at Westminster the Twenty-third day of March, 1931, His late Majesty King George the Fifth did constitute, order and declare that there should be a Governor General and Commander-in-Chief in and over Canada, and that the person filling the office of Governor General and Commander-in-Chief should be from time to time appointed by Commission under the Royal Sign Manual and Signet:

And whereas at St. James' on the Twenty-third day of March, 1931, His late Majesty King George the Fifth did cause certain Instructions under the Royal Sign Manual and Signet to be given to the Governor General and Commander-in-Chief:

And whereas it is Our Will and pleasure to revoke the Letters Patent and Instructions and to substitute other provisions in place thereof:

Now therefore we do by these presents revoke and determine the said Letter Patent, and everything therein contained, and all amendments thereto, and the said Instructions, but without prejudice to anything lawfully done thereunder:

And We do declare Our Will and pleasure as follows:

I. We do hereby constitute, order, and declare that there shall be a Governor General and Commander-in-Chief in and over Canada, and appointments to the Office of Governor and Commander-in-Chief in and over Canada shall be made by Commissions under Our Great Seal of Canada.

II. And We do hereby authorize and empower Our Governor General for Canada or of any members thereof or individually, as the case requires, to exercise all powers and authorities lawfully belonging to Us in respect of Canada, and for greater certainty but not so as to restrict the generality of the foregoing to do and execute, in the manner aforesaid, all things that may belong to his office and to the trust We have reposed in him according to the several powers and authorities granted or appointed him by virtue of The British North America Acts, 1867 to 1946, and the powers and authorities hereinafter conferred in these Letters Patent and in such Commission as may be issued to him under Our Great Seal of Canada and under such laws as are or may hereinafter be in force in Canada.

III. And We do hereby authorize and empower Our Governor General to keep and use Our Great Seal of Canada for sealing all things whatsoever that may be passed under Our Great Seal of Canada.

IV. And We do further authorize and empower Our Governor General to constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers (including diplomatic and consular officers) and Ministers of Canada, as may be lawfully constituted or appointed by Us.

V. And We do further authorize and empower Our Governor General, so far as We lawfully may, upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office within Canada, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.

VI. And We do further authorize and empower Our Governor General to exercise all powers, lawfully belonging to Us in respect of summoning, proroguing or dissolving the Parliament of Canada.

VII. And whereas by The British North America Acts, 1867 to 1946, it is amongst other things enacted that it shall be lawful for Us, if We think fit to authorize Our Governor General to appoint any persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Canada, and in that capacity to exercise, during the pleasure of Our Governor General, such of the powers, authorities and functions of Our Governor General as he may deem it necessary or expedient to assign to such Deputy or Deputies, subject to any limitations or directions from time to time expressed or given by Us: Now We do hereby

authorize and empower Our Governor General, subject to such limitations and directions, to appoint any person or persons, jointly or severally, to be his

Deputy or Deputies within any part or parts of Canada, and in that capacity to exercise, during his pleasure, such of his powers, functions and authorities as he may deem it necessary or expedient to assign him or them: Provided always that the appointment of such a Deputy or Deputies shall not affect the exercise of any such power, authority or function by Our Governor General in person.

VIII. And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our Governor General out of Canada, and all and every the powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be vested in Our Chief Justice for the time being of Canada (hereinafter called Our Chief Justice) or, in the case of the death, incapacity, removal or absence out of Canada of Our Chief Justice, then in the Senior Judge for the time being of the Supreme Court of Canada, then residing in Canada and not being under incapacity; such Chief Justice or Senior Judge of the Supreme Court of Canada, while the said powers and authorities are vested in him, to be known as Our Administrator.

Provided always, that the said Senior Judge shall act in the administration of the Government only if and when Our Chief Justice shall not be present within Canada and capable of administering the Government.

Provided further that no such powers or authorities shall vest in such Chief Justice or other judge of the Supreme Court of Canada, until he shall have taken the Oaths appointed to be taken by Our Governor General.

Provided further that whenever and so often as Our Governor General shall be temporarily absent from Canada, with Our permission, for a period not exceeding one month, then and in every such case Our Governor General may continue to exercise all and every the powers vested in him as fully as if he were residing within Canada, including the power to appoint a Deputy or Deputies as provided in the Eighth Clause of these Our Letters Patent.

IX. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all the other inhabitants of Canada, to be obedient, aiding and assisting unto Our Governor General, or, in the event of his death, incapacity, or absence, to such person as may, from time to time, under the provisions of these Our Letters Patent administer the Government of Canada.

X. And We do hereby declare Our Pleasure to be that Our Governor General for the time being shall with all due solemnity, cause Our Commission under Our Great Seal of Canada, appointing Our Governor General for the time being, to be read and published in the presence of Our Chief Justice, or other Judge of the Supreme Court of Canada, and of members of Our Privy Council for Canada, and that Our Governor General shall take the Oath of Allegiance in the form following: --- "I, do swear that I will be faithful and bear true allegiance to His

Majesty King George the Sixth, His Heirs and successors, according to law. So Help me God"; and likewise he shall take the usual Oath for the due execution of the Office of Our Governor General and Commander-in-Chief in and over Canada, and for the due and impartial administration of justice; which Oaths Our Chief Justice, or, in his absence, or in the event of his being otherwise incapacitated, any Judge of the Supreme Court of Canada shall, and he is hereby required to, tender and administer unto him.

XI. And We do authorize and require Our Governor General from time to time, by himself or by any other person to be authorized by him in that behalf, to administer to all and to every person or persons, as he shall think fit, who shall hold any office or place of trust or profit in Canada, that said Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Laws or Statutes in that behalf made and provided.

XII. And We do further authorize and empower Our Governor General, as he shall see occasion, in Our name and on Our behalf, when any crime or offence against the laws of Canada has been committed for which the offender may be tried thereunder, to grant a pardon to any accomplice, in such crime or offence, who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders if more than one; and further to grant to any offender convicted of any such crime or offence in any court, or before any Judge, Justice, or Magistrate, administering the laws of Canada, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to Our Governor General may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to Us. And We do hereby direct and enjoin that Our Governor General shall not pardon or relieve any such offender without first receiving in capital cases the advice of Our Privy Council for Canada, and in other cases, the advice of one, at least, of his Ministers.

XII. And We do further authorize and empower Our Governor General to issue Exequaturs, in Our name and on Our behalf, to Consular Officers of foreign countries to whom Commissions of Appointment have been issued by the Heads of States of such countries.

XIV. And whereas great prejudice may happen to Our Service and to the security of Canada by the absence of Our Governor General, he shall not quit Canada without having first obtained leave from Us for so doing through the Prime Minister of Canada.

XV. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters patent to Us or them shall seem meet.

XVI. And We do further direct and enjoin that these Our Letters of Patent shall be read and proclaimed at such place or places within Canada as Our Governor General shall think fit.

XVII. And We do further declare that these Our Letters patent shall take effect on the first day of October, 1947.

IN WITNESS WHEREOF We have caused these Our Letters to be made Patent, and for the greater testimony and validity thereof, We have caused Our Great Seal of Canada to be affixed to these presents, which We have signed with Our Royal Hand.

GIVEN the eighth day of September in the year of Our Lord One Thousand Nine Hundred and Forty-Seven and in the Eleventh Year of Our Reign.

BY HIS MAJESTY'S COMMAND,  
W. L. MACKENZIE KING,  
Prime Minister of Canada.

This document, which purports to grant to the governor-general a complete dictatorship of Canada, was drafted in Ottawa by a Commission, as it states in Section I of these so-called "Letters patent".

Any dictator would be elated were he to be granted the unlimited power included in its following sections.

This document is simply a rehash of the Constitution of Canada which was granted to Governor James Murray in 1763 and which can be found in Sessional Papers 1B in the Dominion Archives.

However, you need not be a member of the Bar Association of Canada to know that the members of such Commission, whoever they were, had no power to grant such a document.

Who drafted this document which demotes Canada to the position of a colony which was her status in 1763, and who were the members of this so-called Commission?

The signing of a document such as this is not within the orbit or function of the Prime Minister of Great Britain, nor was it ever within the orbit of function of the Secretary of State for the Colonies, nor within the orbit or function of the King or Queen.

The granting of letters patent was, and is, the prerogative of the Lord High Chancellor of Great Britain.

The latest Letters Patent issued by his office are dated March 23, 1931, eight months prior to the enactment of the Statute of Westminster, December 11, 1931, and are signed by his deputy, Sir Claude Schuster, Clerk of the Crown in Chancery.

## SOVEREIGNTY

The ownership of land is the yardstick by which sovereignty is measured.

The Gypsies of Europe have no sovereignty as they own no land. The Jews were in a similar position until they pre-empted land in Palestine. The first act of the Jews as a nation was to adopt a National Flag. Prior to this they had no land upon which they could erect a flagpole.

In the Statute of Westminster, Newfoundland is granted an equal status with the Commonwealth of Australia, the Union of South Africa, the Irish Free State and New Zealand.

Does this mean that Newfoundland has a superior position to the other Provinces of Canada? Not so. Section 7-Par. 2 of the Statute confers upon the Provinces of Canada the same status as Newfoundland.

All lands, minerals and royalties within the boundaries of the Province are the possession of the Province in which the same are situate or arise.

The "Crown in Chancery" has relinquished its interest in elevating the Provinces from colonial status.

As the Provinces of Canada have not relinquished any of their powers to a central government, each Province today is a sovereign state. Each may, by exercising its authority, charter its own banks, issue postage stamps or passports.

By way of emphasis - the definition of Sovereignty as given by James Cacroft in the Encyclopedia of English and American Law is herein reiterated.

"The right to exercise the power of Eminent Domain is inherent in sovereignty, necessary to it and inseparable from it. From the very nature of society and organized government, this right must belong to the State.

"It is a part of the Sovereign power of any nation. It exists independent of constitutional recognition and it existed prior to constitutions. It lies dormant in the State until legislative action is had pointing out the occasion the modes and the agencies for its exercise".

Disregarding the passing years since the enactment of the Statute of Westminster, December 11, 1931, the Provinces have lost nothing of their sovereignty, No legislation is had granting any of their powers to a central government.

Could each Province by mutual agreement enact legislation permitting only Canadians to exercise the franchise? They could.

Could Ottawa object? No! Of course not. This would be only an exercise of the Sovereignty of the Province.

The Provinces need no amendments to any enactments of the government of the United Kingdom or of British subjects. All they need is an amendment to their attitude and the exercise of their inherent sovereignty.

## **APPENDIX**

Certified as an unabridged duplicate of originals.

### **APPENDIX 1**

HANSARD - Pp. 2809 for 1936 by Mr. Blackmore.  
From the New Democracy, under "Dynamics of Education"  
by Dr. Joyce Mitchell.

"An article in the New Democracy of Nov. 8, 1934 entitled Gold, History and Liberty set me studying the historical agitation that led to the passing of the Second Reform Bill of 1832. It was amazing to learn in the article that "The true facts of that tremendous historical occurrence known as the passing of the Second Reform Bill of 1832 has been deliberately suppressed by successive governments, and that standing orders have been given to the permanent officials in government departments to take the utmost precautions by means of the government secret service that none of the real facts connected with the passing of the 2nd Reform Act shall ever be published in any history, or book of historical reference, whether the same is intended for school boys, university students or professional historians."

It was in this article that I learned for the first time of the existence of a permanent Government official receiving a salary of £1200 a year and pension - known as a historical advisor, whose miserable, degrading duty consists in advising the Government of the day how to evade and suppress historical truth in the interest of professional politicians".

### **APPENDIX 2**

#### **Annual Register 1861, page 216.**

On the 31st of October, a convention between Her Majesty, the Emperor of the French, and the Queen of Spain, was signed at London. It recited that "Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Her Majesty the Queen of Spain, and His Majesty the Emperor of the French feeling themselves compelled, by the arbitrary and vexatious conduct of the authorities of the Republic of Mexico, to demand from those authorities more efficacious protection from the persons and properties of their subjects, as well as fulfillment of the obligations contracted towards their Majesties by the Republic of Mexico had agreed to conclude a convention with a view to combine their common action." The following were the Articles:-

"Art. 1. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Her Majesty the Queen of Spain, and His Majesty the Emperor of the French, engage to make, immediately after the signature of the present Convention, the necessary arrangements for dispatching to the coast of Mexico, combined naval and military forces, the strength of which shall be determined by a further interchange of communications between their Governments, but of which the total

shall be sufficient to seize and occupy the several fortresses and military positions on the Mexican coast.

"The Commanders of the allied forces shall be, moreover, authorized to execute the other operations which may be considered, on the spot, most suitable to effect the object specified in the preamble of the present Convention, and specifically to ensure the security of foreign residents.

### **APPENDIX 3**

#### **Speech In House Of Commons**

**Sir John A. Macdonald, Feb. 24<sup>th</sup>, 1871.**

One would think from the speech of the Hon. Gentlemen (Hon Sir A. Galt) that the settlement of the Alabama claims was a matter of no importance. Was it of no importance that a terrible war between England and the United States which would subject Canada to all the miseries of the battle-ground should be avoided?

The invitation to Canada to take part in this Commission, showed that Canada had made an additional step in the estimation and favour of England, in this, that he, unworthy as he was, should be chosen to represent the cause of Canada at Washington. (Cheers)

"There was no fear of England ceding a part of Canada and she would as much be giving up a portion of this country by ceding our rights to the three-mile limit as if she gave away one of our cities'.

In the joint High Commission about to sit at Washington there would be a sincere desire on both sides he believed for a settlement of the pending disputes, but there was no risk whatever to our interests.

Even if we would suppose England were willing to sacrifice us, as a matter of law she could not until the Canadian Parliament ratified the Treaty by its own Act.

#### **Memoirs of Sir John A. Macdonald**

**Vol. 2. p.p. 322 ("Private")**

Her Majesty's High Commission  
Washington, May 6, 1871.

"My dear Sir John,

"I have been thinking over the conversation which took place between us yesterday, and I am anxious to repeat to you the arguments which I then employed with a view to impress upon you the importance of your name being attached to the Treaty, which we hope to sign on Monday next.

"It is not necessary for that purpose that I should enter into any consideration in detail of the merits of that Treaty. I believe it is to be one which, taken as a whole, and regarded as it ought to be, as a broad settlement of the many differences which have lately sprung up between Great Britain and the United States, is fair and honourable to all parties, and calculated to confer very important advantages upon our respective countries. I should doubtless have desired to see it differently framed, in some parts, but all negotiations, unless carried on under the shadow of a triumphant army, are necessarily compromises, and I am convinced that the arrangement to which we have come is the best that under the conditions of the problem before us we could have secured.

"Believing this, I am naturally most anxious not to run any risk of the Treaty being rejected by the Senate, and I cannot doubt that the absence of your signature would lead to that result. It would be a very serious matter if the signature of any member of the Commission were wanting, but any of our names could, I think, be more safely spared than yours.

"It appears to me, therefore, that you would incur a responsibility of the gravest kind if you were to withhold your signature; such a step, moreover, would not only be one involving in all probability consequences very greatly to be deprecated but it would, as it seems to me, be inconsistent with your position as a member of the Joint High Commission. We of the English portion of the Commission are not separate members of a conference acting each by himself, but we are jointly the plenipotentiaries of our Sovereign, bound by the instructions which we receive from Her Majesty's Government, and directed now to sign this Treaty.

"I hold, therefore, that it is our clear duty to sign, that we act under the orders of our Government, and that, in the position we occupy, we should not be justified in disobeying those orders. I trust that, under these circumstances, you will see the great importance, and indeed, as I believe, the absolute necessity of your not separating yourself from your colleagues in the signature of the Treaty, and

"I remain, yours sincerely,  
"De Grey".

**Extract from a letter Sir John A. Macdonald wrote at the time to Dr. Tupper: --**

"I must say that I am greatly disappointed at the course taken by the British Commissioners. They seem to have only one thing on their minds - that is, to go home with a Treaty in their pockets, settling everything, no matter at what cost to Canada ... The effect which must be produced on the public mind in Canada by a declaration from both parties in the Imperial Parliament against our course, will greatly prejudice the idea of British connections, as British connection will have proved itself a farce. I do not like to look at the consequences, but we are so clearly in the right, that we must throw the responsibility on England".

**Correspondence of Sir John A. Macdonald**  
**p.p. 145**  
**Excerpts from letter to the Hon. Alex. Morris.**

The Arlington  
Washington  
April 21<sup>st</sup>, 1871

My dear Morris:

..... Never in the whole course of my public life have I been in so disagreeable a position and had such an unpleasant duty to perform as the one in which I am now engaged. However, the work had to be done, and I am resolved to do it .....

Yours sincerely,  
John A. Macdonald

**Sir John A. Macdonald (Memoirs) p.p. 149**

"Thanks for your various letters about this important treaty. Never was there such a bungled matter from beginning to end. You may tell Lord Granville from me, confidentially, that if he wants his business done at Washington correctly at any time he must send me alone. But seriously, the whole thing was badly managed, first at Washington, and still worse in England. I suppose that the Treaty will come to something in the end, but instead of removing heart-burnings, it has laid the foundation of new suspicions, and all without the slightest necessity".

**p.p. 153**

The chief ground of attack on the Government was the Washington Treaty, and our submitting to Gladstone's resolve was not to press the Fenian claims, Added to this, of course, were all the sins of omission and commission that gather round an administration of so many years' duration as ours.

"I never worked so hard before, and never shall do so again, but I felt it to be necessary this time. I did not want a verdict against the Treaty from the country, and besides, I sincerely believe that the advent of the Opposition, as it is now constituted, to power would greatly damage the future of Confederation.

**APPENDIX 4**

Full Power to the Earl de Grey, Sir Stafford Henry Northcote, Sir Edward Thornton, **Sir John Alexander Macdonald, and Montague Bernard, Esq.**, to negotiate with Plenipotentiaries of the United States.

VICTORIA R.

Victoria, by the grace of God, Queen of the United Kingdom of Great Britain and Ireland, Defender of the Faith, etc. etc. etc., To all and singular to whom these Presents shall come, Greetings. Whereas, for the purpose of discussing a friendly spirit with Commissioners to be appointed on the part of Our Good Friends the United States of America, the various questions on which differences have arisen between Us and Our said Good Friends the United States of America, the various questions on which differences have arisen between Us and Our said Good Friends, and of treating for an Agreement as to the mode of their amicable settlement, We have judged it expedient to invest fit persons with full power to conduct on Our part the discussions in this behalf: Know ye, therefore, that We, reposing especial trust and confidence in the wisdom, loyalty, diligence, and circumspection of our right-trusty and right well-beloved Cousin and Councillor George Frederick Samuel, Earl de Grey and Ripon, Viscount Goderich, a Peer of Our United Kingdom, President of Our Most Honourable Privy Council, Knight of Our Most Noble Order of the Garter, etc., etc., of Our right trusty and well-beloved Councillor Sir Stafford Henry Northcote, Baronet, a Member of Parliament, Companion of Our Most Honourable Order of the Bath, etc., etc.,; of Our trusty and well-beloved, Sir Edward Thornton, Knight Commander of Our Most Honourable Order of the Bath, Our Envoy Extraordinary and Minister Plenipotentiary to Our Good Friends the United States of America, etc., Etc.,; of our Trusty and well-beloved **Sir John Alexander Macdonald' Knight Commander of Our Most Honourable Order of the Bath, a Member of Our Privy Council for Canada**, Minister of Justice and Attorney-General in Our Dominion of Canada, etc., etc.,; and of Our trusty and well-beloved **Montague Bernard**, Esquire, Chichele Professor of International Law in the University of Oxford; -- have named, made, constituted, and appointed, as We do by these presents name, make, constitute, and appoint them Our undoubted High Commissioners, Procurators, and Plenipotentiaries: Giving to them, or to any three or more of them, all manner of power and authority to treat, adjust, and conclude with such Minister or Ministers as may be vested with similar power and authority on the part of Our Good Friends the United States of America, any Treaties, Conventions, or Agreements that may tend to the attainment of the above-mentioned end, and to sign for Us and in Our name everything so agreed upon and concluded, and to do and transact all such other matters as may appertain to the finishing of the aforesaid work in as ample manner and form, and with equal force and efficacy, as We Ourselves could do if personally present: Engaging and promising upon Our Royal Word, that whatever things shall be so transacted and concluded by Our said High Commissioners, Procurators and Plenipotentiaries shall be agreed to, acknowledged, and accepted by Us in the fullest manner, and that We will never suffer, either in the whole or in part, any person whatsoever to infringe the same, or act contrary thereto' as far as it lies in Our power.

In witness whereof We have caused the Great Seal of Our United Kingdom of Great Britain and Ireland to be affixed to these Presents, which We have signed with Our Royal Hand.

Given at Our Court at Windsor Castle, the sixteenth day of February in the year of Our Lord one thousand eight hundred and seventy-one, and in the thirty-fourth year of Our reign.

## APPENDIX 5

The Earl of Carnarvon

to Governor Sir H. Robinson, K.C., M.G.

Downing St., 4th May, 1875.

... "Advice this having been given to a Governor, he has to decide for himself how he will act ...

"But whether the case might be one more immediately concerning the internal administration of the Colony, or one of wider import, it has seemed to me, as well as to my predecessors, that the Royal Instructions not only lay down a sound **Constitutional** view, but provide a mode of procedure which is calculated to assist the Colonial Governments in the administration of justice without *infringing upon the responsibility of Ministers*.

"It is true that a Governor may (and indeed must, if in his judgement it seems right) decide in opposition to the advice tendered him.

"On the other hand a Governor who, by acting in opposition to the advice of his Ministers, has brought about their resignation, will obviously have assumed a responsibility for which he will have to account to Her Majesty's Government."

Sessional papers No. 116, Vol. IX - No. 8, 1876.

## APPENDIX 6

### COMMISSION

L.S.

George R.I.

Commission appointing the Right Honourable Lord Tweedsmuir, G.C.M.G., C.H., to be Governor General and Commander in Chief of our Dominion of Canada.

(I)

**Dated this 10<sup>th</sup> Day of August, 1935. Recorded November 2nd, 1935**

George the Fifth, by the Grace of God of Great Britain, Ireland, and the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India; to our Faithful and well Beloved John, Baron Tweedsmuir, Knight Grand Cross of our Most Distinguished Order of Saint Michael and Saint George, member of our Order of the Companions of Honour, Greeting.

We do, by our Commission under our Sign, Manuel and Signet, appoint you, the Said John, Baron Tweedsmuir, to be, during our pleasure, Our Governor General and Commander in Chief in and over Our Dominion of Canada, with all the powers, rights, privileges and advantages to the said office belonging and appertaining.

(II)

And we do hereby, empower and command you to exercise and perform all and singular the powers and directions contained in certain letters patent under the-Great Seal, bearing date at Westminster, the twenty-third day of March, 1931, constituting the said office of Governor-General and Commander in Chief, or in any other Letters Patent adding to, amending, or substituted for the same according to such Orders and Instructions as our Governor General and Commander in Chief for the time being hath already received, or as you may hereafter receive from Us.

(III)

**Commission dated the 20<sup>th</sup> day of March, 1931. Superseded.**

And further, We do hereby appoint that, so soon as you have taken the prescribed Oaths and have entered upon the duties of your office, this, Our present Commission, under our Sign, Manual and Signet, bearing date the 20<sup>th</sup> day of March, 1931, appointing the Right Trusty and Right Well Beloved Cousin and Counsellor, Vere Brabazon, Earl of Bessborough, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George, formerly Captain in our Territorial Army, to be our Governor General and Commander in Chief in and over Our Dominion of Canada.

(IV)

**Officers, etc., to give obedience.**

And we do hereby command all and singular our Officers, Ministers, and loving subject in our said Dominion, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court of Saint James, This 10<sup>th</sup> day of August, 1935, in the Twenty-Sixth year of our Reign.

By His Majesty's Command.

(Sgd.) R. B. Bennett

(This Commission was not and has not been "Proclaimed" in the "Canada Gazette"),

Author's Note:

I know there will be a second, and I hope a third and fourth printing of this book. If you would like to send in a few lines expressing your thoughts on its contents, recommendations for future printings and authorization to use your quotations, they will appear on the back cover of future printings.

*E. Knutson*  
E. Knutson